

Vermonters  
for a  
Clean Environment

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Comments on S.230  
Senate Finance Committee  
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p. 2. (i) – this will be helpful to planners

p. 2-3. Section 11a. TRAINING. It is unclear what the “development of land use plans that are eligible for certification” consists of.

p. 3. Section 11b. (a) It is unclear how the \$330,000 will be divided on a pro rata basis. Will it be by region’s energy consumption or divided up equally between all the RPCs? The only guidance in this legislation is “to be used to adopt or amend an energy element of the regional plan that is consistent with the goals of ...” It appears that Regional Planning Commissions are going to be expected to identify specific locations for renewable energy development, something akin to zoning on a regional level. This proposal is poorly thought out and may be impossible to implement. In any case it takes the better part of a year to update a municipal or regional plan, and will do nothing to address the large number of solar and wind proposals we can expect to be filed with the Public Service Board in 2016. VCE does not support this provision or expense. We have real problems with public access to the PSB’s legal process, real problems with the PSB ignoring most of what intervenors file, and real problems with how the PSB is interpreting the Quechee Analysis. Turning planners into siting entities is not a timely or realistic solution.

p. 5. §3 (b) replace “other types of documents” with “notices of appearance, cover letters, certificates of service, discovery questions, responses to discovery, briefs, reply briefs, comments on Proposals for Decision, and comment letters for net metered projects.”

(i) Do you have a magic wand? We have been asking for this for years. VCE has engaged in discussions with the PSB clerk, offered a sample of a site from NH <http://www.nhsec.nh.gov/projects/index.htm>. A wind project docket with everything is here as an example of what is possible <http://www.nhsec.nh.gov/projects/2015-02/index.htm> -- where all filings are posted in a proceeding.

The PSB clerk’s response was their system does not make it possible, wait for ePSB. ePSB is more than a year overdue. At present the only things posted by the PSB are applications for the larger projects (nothing net metered is posted and in the large cases no other parties’ filings are posted other than the project developer’s initial application), Orders the Board issues, and Transcripts of Board hearings. The public’s access to what should be publicly available information is so deficient that those of us trying to deal with these proposals waste an enormous

amount of time just trying to documents in cases. I have learned to go to regional planning commissions for 500 kW applications. However RPCs do not receive 150 kW project applications. And to add to the confusing system, adjoiners to larger projects do not receive a 45 day notice or a copy of the full application. Meanwhile Act 250 has a fully functional database where all filings are readily accessible <https://anrweb.vt.gov/anr/vtanr/Act250.aspx>

p. 6. (F)(i) Recommend revising to “will have a capacity of 150 kilowatts or greater”. We are seeing a lot of 150 kW projects on ag soils, and those projects are generating a lot of opposition and neighbor complaints.

Providing “evidence and recommendations” does not mean the PSB is going to take those recommendations.

p. 7. (1) The recommendations for requiring plantings are excellent, but the way the PSB operates, it does not appear to have the staff or capability to do what is being required. The PSB has no enforcement division, unlike Act 250 which could implement this provision more efficiently. Currently the PSB has an enforcement docket regarding a solar project in Charlotte where screening requirements were not fulfilled. The PSB’s enforcement dockets go on for months, require anyone who participates to spend money, involves a lot of exchange of paperwork among parties, leading to outcomes that often involve paying a fine to the general fund but do not address problems in a timely way.

p. 8 (A) Recommend revising the language to include 150 kilowatt projects.

(B) A plan (as in A) without bonding or a financial instrument is not meaningful. Suggest setting the size in statute at 150 kilowatt and above. Suggest specifically excluding salvage value from decommissioning. Developers of net metered projects are claiming that they can cover the costs of decommissioning using the salvage value of the materials at the end of their life. The PSB does not allow salvage value for decommissioning in the projects where they do require decommissioning plans and financial instruments.

p. 9 Sec. 23a (v). There is no scientific basis for this provision. Experts note that the act of installation, repeated driving over fields with heavy equipment, is no different than any other construction site which compacts the soil. We do not know what happens to the solar panel materials as they degrade over their lifetime or what impact they may have on soil health. Prime ag soils may be degraded over the lifetime of the solar project due to installation, operation and maintenance and decommissioning. Recommend deleting this section.

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