



Testimony to House Energy and Technology Committee
January 20, 2017

Introduction to Vermonters for a Clean Environment. We are about good public process and meaningful participation by citizens and towns. We work on numerous types of issues involving land use and the interface between industrial and residential areas, including large farms, landfills, gravel pits and quarries, as well as groundwater protection and water disinfection. VCE also works on water quality issues related to surface waters and groundwater as well as forest fragmentation and wildlife and wildlife habitat protection. For the last few years, the majority of our work has been on energy issues, including biomass, gas pipeline, wind and solar. Vermonters want renewable energy, want to be part of the process for solar siting, want to buy the power, and retire the RECs so it is real renewable energy for Vermonters. Vermonters do not want big wind turbines. See: <http://vce.org/VermontTownWindVotes.png>

ENERGY POLICY

- Act 56, renewable goals to be met primarily with H-Q compliance payments
- REC retirement schedule needed, supported by CLF and REV in 2015

DPS

- Act 174 DPS Planning Criteria disrupting town and regional planning, top down, dictatorial, needs more flexibility. Planners want to do it, but will not accept the mandate to make decisions about private property or site big wind turbines. Entire regions and many towns will choose not to do the planning. Need incentives for transportation and fuel/efficiency planning, in addition to the energy incentive of “substantial deference” which is problematic because the PSB can and likely will still overrule. Towns must have more local control via zoning, local ordinances, and/or Act 250 which requires conformance with town and regional plans.

PSB

- Transition to ePSB resulting in serious problems for attorneys and the public, entire dockets vanished, all links to past documents gone, old website taken down as required by state, not just steep learning curve but new dockets not getting posted in a timely manner and Orders not received in a timely manner. Temporary glitch?
- PSB Solar Dockets, backlog of cases with no activity for months
- Net Metering Rule not final
- PSB lacks jurisdiction over property issues, a regular problem
- Move stormwater appeals back to Environmental Court
- Cell Towers
- Met Towers disconnected from Turbine applications, SODAR and LIDAR not regulated

- Temporary Wind Noise Rule violated legislative intent to make the sound standard more protective. Adopted rule is less protective and further degraded confidence in PSB.
- Permanent Wind Noise Rule
 - needs more time, PSB should request extension from July 1 deadline
 - CPGs issued without identifying specific turbine models make creating a rule challenging if tied to sound power output
 - Is the PSB the right place to decide this issue? See:
<http://vce.org/2017.01.09%20PSB%20JJC%20to%20AS-VCE%20letter.pdf>
- Compensate neighbors for taking of private property for public good, as required by Article 2 of Vermont Constitution
- Review and update renewable energy tax policies
- PSB Wind Dockets, costly, time-consuming, pay to play, “done deal?”, cost \$100,000+ each
 - Swanton Wind 20 MW, petition filed, 3 towns, RPC and neighbors intervening
 - Holland Wind 2.2 MW, petition filed, town intervening
 - Irasburg Wind, 2 2.5 MW turbines, 45 day notice filed
- PSB Enforcement Dockets, dragging out for years with inconsistent results. See
 - Met Tower, 2010, less than 3 months:
http://vce.org/6000civilpenalty_010610MET%20Tower.pdf
 - Wind Turbine Icing and Noise, 2017, 10 months:
http://vce.org/2000civilpenalty_March%20Icing%20Complaint%20PSB%20decision.pdf
 - Solar, 2017, 7 months <http://vce.org/17000civilpenalty.pdf>
- DPS and PSB Cross-Pollination, is this good government? See:
http://vce.org/PSB_PSD.pdf
- Need for Independent Office of Public Advocate, separate from DPS and PSB

ENERGY SITING

- Act 174 PSB Working Group recommendations
http://psb.vermont.gov/sites/psbnew/files/doc_library/recommendations-citizen-participation-report.pdf
- VCE Siting and Stakeholder Solution or Contested Case, Intervenor Funding, Counsel for the Public, <http://vce.org/1234.pdf>

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Note: If links do not work, copy and paste them into your browser, and try a different browser if you get a lot of useless text.