

1 S.66

2 Introduced by Senators Clarkson, Ingram, McCormack and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; energy; natural resources; public  
6 service; fossil fuel infrastructure

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
8 construction of fossil fuel infrastructure in Vermont, except for infrastructure  
9 certified by the Federal Energy Regulatory Commission.

10 An act relating to fossil fuel infrastructure

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. PURPOSE

13 This act bans the construction of fossil fuel infrastructure in Vermont in  
14 order to:

15 (1) Reduce the State's consumption of fossil fuels and related emissions  
16 of greenhouse gases. In 2008 Acts and Resolves No. 92, Sec. 2, the General  
17 Assembly found that an energy policy that is largely dependent on fossil fuels  
18 in part has caused climate change and associated risks to the public and the  
19 environment. The State also has adopted greenhouse gas reduction goals at  
20 10 V.S.A. § 580.

1           (2) Avoid potentially significant land use and environmental impacts  
2           from the construction of this infrastructure, such as effects on wetlands and  
3           wildlife habitat.

4           (3) Minimize the potential for the exposure of utilities and ratepayers to  
5           the potentially substantial cost of this infrastructure, which may prove  
6           imprudent as Vermonters move to other energy devices, such as cold climate  
7           heat pumps, or to renewable sources of energy.

8           Sec. 2. 29 V.S.A. chapter 14, subchapter 9 is added to read:

9                               Subchapter 9. Fossil Fuel Infrastructure

10           § 581. FOSSIL FUEL INFRASTRUCTURE

11           (a) A person shall not construct or reconstruct fossil fuel infrastructure in  
12           the State. This prohibition does not:

13                       (1) apply to the construction or extension of fossil fuel infrastructure  
14           certified by the Federal Energy Regulatory Commission pursuant to 15 U.S.C.  
15           § 717f; or

16                       (2) include the repair or maintenance, or both, of fossil fuel  
17           infrastructure in existence as of the effective date of this section.

18           (b) As used in this section:

19                       (1) “Fossil fuel” means an energy source formed in the earth’s crust  
20           from decayed organic material. The common fossil fuels are petroleum, coal,  
21           and natural gas.

1           (2) “Fossil fuel infrastructure” means a structure and ancillary facilities  
2           used to move fossil fuel from one location to another, such as a natural gas or  
3           oil pipeline. The phrase includes natural gas facilities as defined in 30 V.S.A.  
4           § 248(a)(3). The phrase does not include motor vehicles, underground tanks or  
5           pipes located on the site of a motor vehicle service station, or pipes leading to a  
6           residential or commercial building from a fuel tank to which fuel is delivered  
7           by motor vehicle.

8           Sec 3. 3 V.S.A. § 2829 is added to read:

9           § 2829. PERMITS; FOSSIL FUEL INFRASTRUCTURE

10           Notwithstanding any contrary provision of this chapter or Title 10, the  
11           Secretary shall not issue a permit or other approval pertaining to the  
12           construction or reconstruction of fossil fuel infrastructure as defined in  
13           29 V.S.A. § 581.

14           Sec. 4. 10 V.S.A. § 6086(g) is added to read:

15           (g) Notwithstanding any contrary provision of this chapter, a District  
16           Commission shall not issue a permit for the construction or reconstruction of  
17           fossil fuel infrastructure as defined in 29 V.S.A. § 581.

18           Sec. 5. 24 V.S.A. § 4413(i) is added to read:

19           (i) Notwithstanding any contrary provision of this chapter, a municipal land  
20           use permit shall not be issued for the construction or reconstruction of fossil  
21           fuel infrastructure as defined in 29 V.S.A. § 581.





1 ~~date on which the facility applies for such federal approval in the case of a~~  
2 ~~facility that has not applied for federal approval before January 16, 1988) Any~~  
3 ~~opinion issued under this subsection shall be developed based upon the criteria~~  
4 ~~established in subsection (b) of this section.~~

5 ~~(2) If the Commission conducts proceedings under this subsection, the~~  
6 ~~Department shall give due consideration to the Commission's opinion as to~~  
7 ~~facilities of a natural gas company, and that opinion~~ This subsection shall  
8 guide govern the position taken before federal agencies by the State of  
9 Vermont, acting through the Department of Public Service under section 215  
10 of this title.

11 ~~(3) If the Commission conducts proceedings under this subsection, it~~  
12 ~~may consolidate them, solely for purposes of creating a common record, with~~  
13 ~~any related proceedings conducted under subdivision (a)(3) of this section.~~

14 \* \* \*

15 Sec. 7. EFFECTIVE DATE

16 This act shall take effect on passage.