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H.366

Introduced by Representatives Sullivan of Burlington and Yantachka of
Charlotte

Referred to Committee on

Date:

Subject: Public service; public utility commission; renewable energy

Statement of purpose of bill as introduced: This bill proposes to simplify the
application process for certain renewable energy projects, establish time limits
for the Public Utility Commission to issue a final determination as to certain
projects, and define priority sites.

An act relating to simplifying the application and approval process for
renewable energy projects

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

Sec. 1. 30 V.S.A. § 248(u) is added to read:

(u) For priority sites as defined in section 8002 of this title, the

Commission shall:

(1) Establish simplified processes that shall:

(A) reduce the cost and time associated with an application to
construct a plant on a priority site and the review process; and

(B) encourage the construction of plants on priority sites.

1 (2) Establish a registration process for a plant of any size mounted on a
2 roof or parking canopy and for a plant of 15 kW or less. Under the registration
3 process, a certificate of public good shall be deemed issued pursuant to this
4 title unless the interconnecting retail provider submits, within a period to be
5 prescribed by the Commission, a letter raising interconnection issues to the
6 Commission with a copy to the registrant.

7 Sec. 2. 30 V.S.A. § 8001(a) is amended to read

8 (a) The General Assembly finds it in the ~~interest~~ interests of the people of
9 the State to promote the State energy policy established in section 202a of this
10 title by:

11 * * *

12 (9) Establishing mandatory time frames for review and approval of
13 renewable energy projects and systems.

14 Sec. 3. 30 V.S.A. § 8002(30) is added to read:

15 (30) "Priority site" means one of the following:

16 (A) A new or existing structure whose primary use is not the
17 generation of electricity or providing support for the placement of equipment
18 that generates electricity.

19 (B) A canopy over an existing or new parking lot constructed with an
20 impervious or engineered pervious surface, provided that the location remains
21 in use as a parking lot.

1 (C) A tract previously developed for a use other than siting a plant on
2 which a structure or impervious surface was lawfully in existence and use prior
3 to July 1 of the year preceding the year in which an application for a certificate
4 of public good is filed. To qualify under this subdivision (C), the limits of
5 disturbance of a proposed net metering system must include either the existing
6 structure or impervious surface and may not include any headwaters, streams,
7 shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife
8 habitat, wetlands, endangered species, productive forestlands, or primary
9 agricultural soils as defined in 10 V.S.A. chapter 151.

10 (D) A parcel containing land certified by the Secretary of Natural
11 Resources to be a brownfield site as defined under 10 V.S.A. § 6642.

12 (E) A parcel containing a sanitary landfill as defined in 10 V.S.A.
13 § 6602, provided that the Secretary of Natural Resources certifies that the land
14 constitutes such a landfill.

15 (F) The disturbed portion of a lawful gravel pit, quarry, or similar site
16 for the extraction of a mineral resource, provided that all activities pertaining
17 to site reclamation required by applicable law or permit are undertaken within
18 a reasonable time following plant commissioning.

19 (G) A specific location designated in a duly adopted municipal or
20 regional plan under 24 V.S.A. chapter 117 for the siting of a plant; or a specific
21 location that is identified in a letter or letters of support from the municipal

1 legislative body, municipal planning commission, and the regional planning
2 commissions in the community where the plant will be located.

3 (H) A site listed on the National Priorities List (NPL) established
4 under the Comprehensive Environmental Response, Compensation, and
5 Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection
6 Agency or the Agency of Natural Resources confirms that the site is listed on
7 the NPL, and further provided that the applicant demonstrates as part of its
8 application that:

9 (i) development of the plant on the site will not compromise or
10 interfere with remedial action on the site; and

11 (ii) the site is suitable for development of the plant.

12 (I) On the same parcel as, adjacent to, or on the same electrical feeder
13 of a customer that has been allocated at least 50 percent of the system's
14 electrical output.

15 (J) A plant where residential customers receive at least 50 percent of
16 the system's electrical output.

17 Sec. 4. 30 V.S.A. § 8010(f) is added to read:

18 (f) Except for net metering systems for which the Commission has
19 established a registration process, the Commission shall issue a final
20 determination on an application filed pursuant to this section:

- 1 (1) within 60 days of its filing, or if the original filing did not
2 substantially comply with the Commission's rules, within 60 days of the date
3 on which the Commission notifies the applicant that the filing is complete; or
4 (2) if the Commission determines that the application raises a significant
5 issue, within 180 days of its filing or, if the original filing did not substantially
6 comply with the Commission's rules, within 180 days of the date on which the
7 Commission notifies the applicant that the filing is complete.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on July 1, 2019.