

H.51 Fossil Fuel Infrastructure Hearing
Testimony by Doug Grandt, Putney
April 23, 2019

My name is Doug Grandt. I reside in Putney, Vermont.

I have two simple suggestions for significant wording edits in H.51

They involve the reference to the Federal Energy Regulatory Commission (FERC) on pages 1 and 3 of the bill, as shown on the attached pages I have marked-up.

FERC is an “arm” of Congress, responsible for the implementation of the Federal Gas Act and other legislation under its purview. I met with Ms. Sarah McKinley, Office of External Affairs, on December 1, 2014, in order to get an understanding of FERC’s mission and level of “independence” — who gives FERC its “marching order”? “Congress” was the answer. If FERC does not carry out Congress’ orders, heads roll.

Vermont would be well advised to not exclude infrastructure certified by FERC. We should not be subservient to the perverted whims of the politics of Washington, D.C.

Also, pipeline companies are known to replace and “twin” existing pipelines in their entirety, so the additional language I am suggesting on page 6 may be prudent in H.51.

As background:

In 1968 and 1969, I had summer jobs with Signal Oil & Gas and Humble Oil & Refining.

In June 1970, upon graduation with a Bachelor of Science in Industrial Engineering with a minor in Petroleum Engineering, I was employed by Humble Oil & Refining, which changed its name to Exxon USA in 1972, which was also the year I realized that I had greater aspirations beyond petroleum engineering and left Exxon USA to become a Corporate Planner at an American flag global ocean cargo “steam ship” liner carrier.

In 2004, at age 57, I woke up to the phenomenon of global warming and became a climate activist, and went to work at California EPA - Air Resources Boards, working on eliminating dirty diesel engines in buses and harbor craft. Ultimately my section was assigned the task of writing a regulation for the 54 greatest CO2 emitters in the state: refineries, oil fields, hydrogen facilities, cement plants and mineral operations.

Upon retirement from CalEPA - Air Resources Board on March 20, 2012, I sprang into an encore career as a full-time climate activist, testifying against and locking down on Keystone XL pipeline, spending 48 ours in an East Texas jail with the realization that symbolic arrests are not effective, and participating in Bold Nebraska legal action and the Cowboy & Indian Alliance efforts to stop eminent domain and hinder pipelines.

I have lobbied Representatives and Senators in D.C. about 80 times on cap & trade and carbon fee legislation, and realize that also is ineffective, hence I am here to work with you, locally in a brave little state where real change can be made to reduce CO2 emissions, draw down or remove CO2 from the atmosphere. We must make radical change to eliminate the petroleum paradigm and cease unfettered oil & gas extraction.

1 H.51

2 Introduced by Representatives Sullivan of Burlington, Bartholomew of
3 Hartland, Briglin of Thetford, Burke of Brattleboro, Campbell
4 of St. Johnsbury, Chesnut-Tangerman of Middletown Springs,
5 Cina of Burlington, Colburn of Burlington, Cordes of Lincoln,
6 Donovan of Burlington, Gardner of Richmond, Gonzalez of
7 Winooski, Hashim of Dummerston, Hooper of Randolph,
8 Jessup of Middlesex, Kitzmiller of Montpelier, McCarthy of St.
9 Albans City, McCullough of Williston, Mrowicki of Putney,
10 O'Sullivan of Burlington, Patt of Worcester, Ralph of Hartland,
11 Scheu of Middlebury, Sheldon of Middlebury, Squirrel of
12 Underhill, Szott of Barnard, Townsend of South Burlington,
13 Troiano of Stannard, White of Hartford, Wood of Waterbury,
14 Yacovone of Morristown, and Yantachka of Charlotte

15 Referred to Committee on

16 Date:

17 Subject: Conservation and development; energy; natural resources; public
18 service; fossil fuel infrastructure

19 Statement of purpose of bill as introduced: This bill proposes to prohibit the
20 construction of fossil fuel infrastructure in Vermont ~~except for~~ infrastructure
21 certified by the Federal Energy Regulatory Commission.

including

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

2 Subchapter 9. Fossil Fuel Infrastructure

3 § 581. FOSSIL FUEL INFRASTRUCTURE

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

6 ~~(1) apply to the construction or extension of fossil fuel infrastructure~~
7 ~~certified by the Federal Energy Regulatory Commission pursuant to 15 U.S.C.~~
8 ~~§ 717f, or~~

9 ~~(1)(2)-include the repair or maintenance, or both, of fossil fuel~~
10 ~~infrastructure in existence as of the effective date of this section,~~

but it does prohibit
the replacement or
twinning of any gas,
oil or fuel pipeline.

11 (b) As used in this section:

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

15 (2) “Fossil fuel infrastructure” means a structure and ancillary facilities
16 used to move fossil fuel from one location to another, such as a natural gas or
17 oil pipeline. The phrase includes natural gas facilities as defined in 30 V.S.A.
18 § 248(a)(3). The phrase does not include motor vehicles, underground tanks or
19 pipes located on the site of a motor vehicle service station, or pipes leading to a
20 residential or commercial building from a fuel tank to which fuel is delivered
21 by motor vehicle.

1 facility that is not solely subject to (federal) jurisdiction under the Natural
2 Gas Act.

3 ~~(C) The Public Utility Commission shall have the authority to, and~~
4 ~~may in its discretion, conduct a proceeding, as set forth in subsection (h) of this~~
5 ~~section, with respect to a natural gas facility proposed to be constructed in~~
6 ~~Vermont by a "natural gas company" for the purpose of developing an opinion~~
7 ~~in connection with federal certification or other federal approval proceedings.~~

8 [Repealed.]

9 * * *

10 (h) The position of the State of Vermont in federal certification or other
11 approval proceedings for natural gas facilities shall be ~~developed in accordance~~
12 ~~with this subsection~~ that the facility is contrary to the general good and should
13 be denied.

14 ~~(1) A natural gas facility requiring federal approval shall apply to the~~
15 ~~Public Utility Commission for an opinion under this section (on or before the~~
16 ~~date on which the facility applies for such federal approval in the case of a~~
17 ~~facility that has not applied for federal approval before January 16, 1988) Any~~
18 ~~opinion issued under this subsection shall be developed based upon the criteria~~
19 ~~established in subsection (b) of this section.~~

20 ~~(2) If the Commission conducts proceedings under this subsection, the~~
21 ~~Department shall give due consideration to the Commission's opinion as to~~

1 ~~facilities of a natural gas company, and that opinion~~ This subsection shall
2 ~~guide govern~~ the position taken before federal agencies by the State of
3 Vermont, acting through the Department of Public Service under section 215
4 of this title.

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

8 * * *

9 Sec. 7. EFFECTIVE DATE

10 This act shall take effect on passage.