

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8310

General investigation into the practices of Vermont)
utilities in using poles treated with pentachlorophenol)

Order entered: 6/30/2016

I. INTRODUCTION

In this Order, the Vermont Public Service Board (“Board”) approves the recommendations for best management practices (“BMPs”) contained in the “Pentachlorophenol Report” (the “Report”) dated April 26, 2016.

II. BACKGROUND

On June 27, 2014, the Vermont Agency of Natural Resources (“ANR”) requested that the Board open an investigation into the use of utility poles treated with pentachlorophenol (“PCP”).

On October 23, 2014, we approved ANR’s proposal that a working group facilitated by ANR be convened to initiate the first phase of the investigation.

On April 27, 2016, the working group filed a report dated April 26, 2016, of its findings that presents background information on PCP use, alternatives, registration, and human health and environmental effects. The Report also provides proposed recommendations for BMPs to be applied to all aspects of the use of utility poles treated with PCP in Vermont (see attached “Appendix 1”).

On May 18, 2016, the Board requested that any comments on the Report be filed by no later than June 8, 2016.

On June 6, 2016, Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications (“FairPoint”), filed comments on the Report.

On June 8, 2016, the Vermont Department of Public Service (“Department”) filed comments on the Report.

On June 9, 2016, the City of Burlington Electric Department (“BED”) filed comments on the Report.

No other comments were filed.

Comments

The Department, FairPoint, and BED support the Report and its BMPs. The Department recommends that the Board require utilities to follow the BMPs proposed in the Report. The Department states that it is authorized to represent that the Vermont Agency of Agriculture, Food, and Markets and the Vermont Department of Health support the recommendation that utilities be required to follow the BMPs.

III. DISCUSSION AND CONCLUSION

The Report provides summaries of the human health and ecological effects of PCP, the fate and transport of PCP in the environment, alternatives to use of PCP-treated poles, and the regulatory framework for investigation and response to PCP releases. Appendix 1 of the Report provides BMPs for use of PCP-treated poles that were developed by the working group based on the information compiled for the Report. The BMPs address the procurement, delivery, and storage of poles; permanent pole storage areas; pole siting and construction; the decommissioning, retirement, and disposal of PCP-treated poles; and training and education.

BMPs can be generally defined as the most effective and practical means for achieving an objective, which in the case of PCP-treated poles would be the prevention or minimization of pollution. The recommendation in the Report is that “these proposed BMPs should be implemented by Vermont utilities when using (procuring, storing, siting, decommissioning) [PCP]-treated poles. When there are utility-specific and time-sensitive (emergency) situations which prevent these BMPs from being implemented, deviation from the BMPs should be noted

and explained. Utilities may also have more restrictive BMPs than those presented” in the Report.¹

The Board has reviewed the Report and the BMPs. Based upon the concurrence of the Department and other State agencies, the Board adopts the recommendation that utilities in Vermont be required to follow the BMPs.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Service Board that the attached “Best Management Practices Associated with the Use of Pentachlorophenol-treated Utility Poles in Vermont,” provided as Appendix I to the April 26, 2016, working group report in this proceeding, be followed by utilities in all matters related to pentachlorophenol (“PCP”)-treated utility poles in Vermont. When there are utility-specific and time-sensitive (emergency) situations that prevent the BMPs from being implemented, utilities shall document any deviation from the BMPs with an explanation of the deviation, and shall report that information to the Vermont Department of Public Service and the Vermont Agency of Natural Resources. Utilities may also follow more restrictive BMPs.

1. Pentachlorophenol Report, Response to PSB Docket #8310, dated April 26, 2016, at 4.

Dated at Montpelier, Vermont, this 30th day of June, 2016.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/Margaret Cheney</u>)	BOARD
)	
)	OF VERMONT
<u>s/Sarah Hofmann</u>)	

OFFICE OF THE CLERK

FILED: June 30, 2016

ATTEST: s/Judith C. Whitney
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.