



Siting Electric Generation in Vermont:

Analysis & Recommendations

**The Governor's 2013 Energy
Generation Siting Policy
Commission**

**Presented at VECAN Conference
(Dec 7, 2013)**

"Getting to Yes on Siting"

WHAT?

EGSPC – Energy Generation Siting Policy Commission

Formed by Gov. Shumlin in October 2012 to provide recommendations to the Governor & Legislature on best practices for:

- Siting approval of electric generation projects
- Public participation & representation in the siting process

Final Report “Siting Electric Generation in Vermont”

Issued April 30, 2013

*Companion Public Information Report
issued May 2013*

*All proceedings, presentations, reports
available at:*

<http://sitingcommission.vermont.gov>



Who is the Siting Commission?

Commissioners:

- *Jan Eastman*, Chair and former ANR Secretary
- *Louise McCarren*, former PSB Chair & former PSD Commissioner
- *Gaye Symington*, ED High Meadows Fund & former Speaker of the House
- *Scott Johnstone*, ED VEIC & former ANR Secretary
- *Tom Bodett*, Municipal Rep to State E911 Board

Ex-Officio Commissioners:

- *Deb Markowitz*, Secretary ANR
- *Chris Recchia*, Commissioner PSD



What is the context?

2011 Comprehensive Energy Plan and Legislative targets:

- **By 2022:** 127.5 MW of new *in-state* renewable *electric* generation contracts provided by SPEED
- **By 2025:** 25% of all energy from *in-state* renewables
- **By 2028:** 50% reduction in greenhouse gas emissions;
 - ❖ 75% by 2050
- **By 2032:** 75% renewables in electric sales
- **By 2050:** 90% renewable energy across all energy sectors

All underscore Vermont's commitment to clean energy and addressing climate change

As of Jan 2013:

- 50 MW
- 12%
- Increase by 2%
- 50%
- 22%

WHY?

How has siting changed?



Legislative Targets = Dramatic shift in quantity and types of dockets coming before the PSB:

- **Quantity** – Consistent growth over past decade:
 - ❖ 2000-2003: no electric generation dockets
 - ❖ 2010-2012: average of 16/year
- **Type** – more variety, combined with expansion of merchant rather than utility-based generation
 - ❖ Solar, Wind, Farm Methane, Biomass
 - ❖ Raises new land use, natural resource and health impacts

Requires updating existing guidelines and regulations

How were the meetings conducted?

October 2012-April 2013

- 6 Information sessions
 - Siting process overview
 - Best practices from all states in region
 - Perspectives from participants in 248 process
- 5 Site Visits
 - Solar, Wind (2), Natural Gas, Biomass generation facilities
- 5 Public Hearings
 - Prior to & after draft report
 - Brattleboro, Lowell, Burlington, Rutland and 11 other locations via VIT
 - Hundreds of written comments and verbal testimony
- 10 Deliberation sessions on five drafts



All held in public and transcribed. Available at:

<http://sitingcommission.vermont.gov>

What did the Commission hear?

- ***New Impact:*** The nature of technology and siting has changed considerably, generating new questions of land use, environmental & health impacts.
- ***Long and Costly:*** the CPG process is both lengthier and more costly than necessary for all parties.
- ***More Transparency:*** The current siting process, while rigorous, lacks sufficient clarity and predictability ('black box').
- ***Need for Community Preparation:*** Many communities and individuals feel the public lacks sufficient time, guidance & resources to adequately plan for or respond to projects proposed for their communities.

➔ ***Current siting process needs updating***

Generally widespread support for moving towards a renewable energy future in Vermont, but need to understand what that path will look like, while ensuring adequate protection of our natural resources and health.

5 Core Goals

28 recommendations



5 Core Goals

- ① **Planning:** Increase emphasis on planning at State, regional & municipal levels.
- ② **Simplification:** Simplify the Sec. 248 application tier system.
- ③ **Participation:** Increase opportunities for public participation.
- ④ **Efficiency:** Improve transparency and predictability.
- ⑤ **Protection:** Ensure adequate environmental, health & other protection.

Underlying rationale



Stronger public participation in planning & project proposal stages

Better projects submitted with broader public support

Less litigation = less costly for everyone

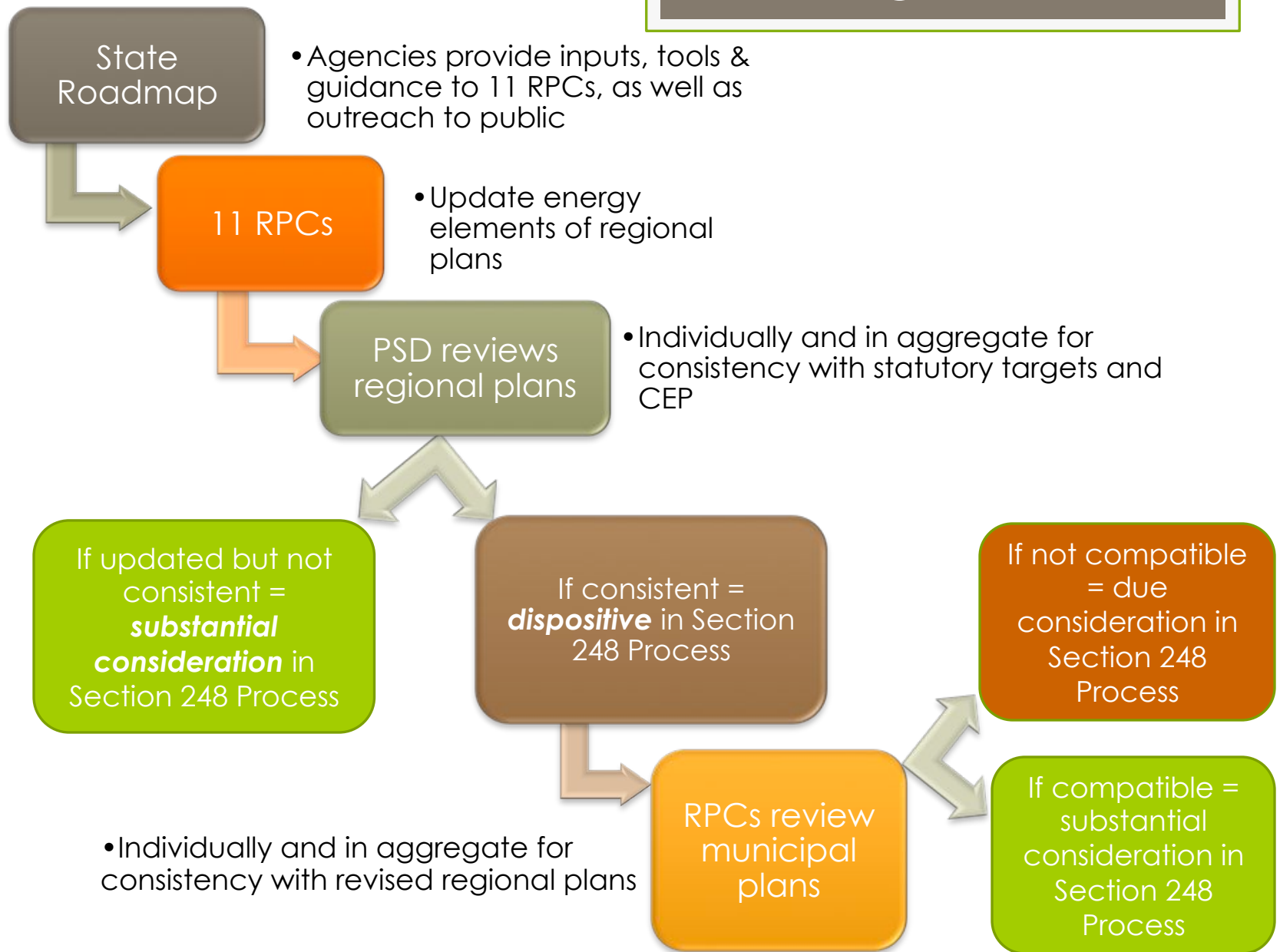
More expedient approval for best projects

Goal 1: Improve planning at all levels

- 1) Develop State Energy Roadmap (PSD) – scenario planning***
- 2) Enhance RPC Plans re. energy → increase weight in process substantially “dispositive”***
- 3) Ensure adequate RPC Funding***
- 4) Increase weight of compatible municipal plans***



Planning Process



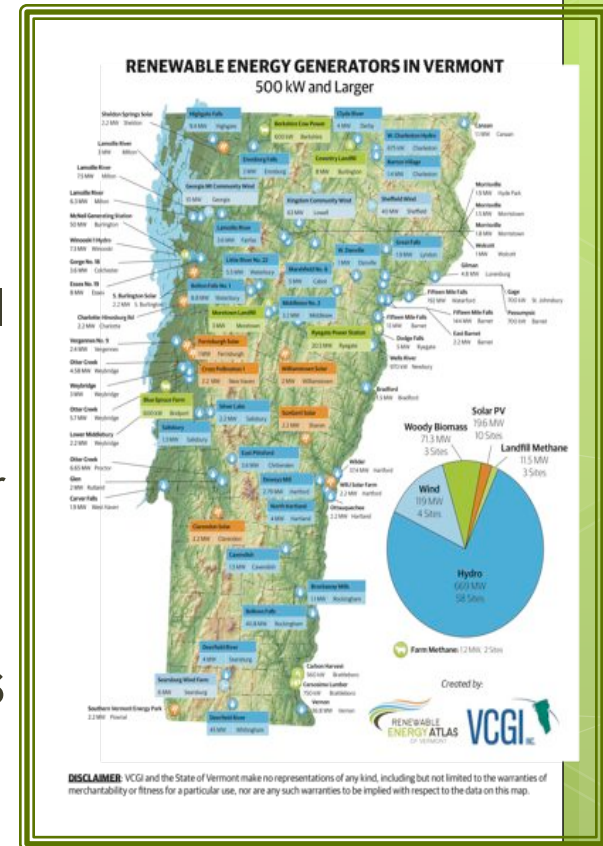
Regional Geographic Analysis

1. Map Hi/Lo potential locations

- ❑ Areas that are well-suited for siting (differs significantly by energy technology)
 - ✓ Low hanging fruit: brownfields, superfund sites, parking lots, industrial zones, under transmission lines, near load
- ❑ Constrained areas – environmental or social reasons

2. Balance renewable energy generation with other energy goals

- ❑ efficiency, transportation, thermal, etc



3. Use new Tools & Training

- ❑ Renewable Energy Atlas - online tool (VSJF)
<http://www.vtenergyatlas.com/>
- ❑ Natural Resource Atlas (ANR)
<http://anrmaps.vermont.gov/websites/anra/>
- ❑ Biofinder (ANR)
<http://biofinder.vermont.gov/>
- ❑ Transmission maps (VELCO and VSPC)
<http://www.velco.com/publicoutreach/Pages/default.aspx>
- ❑ 3-phase lines (GMP)
http://www.greenmountainpower.com/innovative/solar_capital/3-phase-service-in-vermont/

Result:

- ✓ ***Clear indication to developers and regulators of preferred locations***
- ✓ ***Preferred = Faster advancement through Section 248 process***



Goal 2: Simplify and streamline tiers

5) *Simplify Tiers:* PSB implements a simplified Section 248 application tier system.

- Tier 1: Application Form Process (< 500kW*)
- Tier 2: Simplified Process (\geq 500kW to \leq 2.2MW)
- Tier 3: Standard Process (> 2.2MW to < 15MW)
- Tier 4: Larger Scale Process (\geq 15MW)

6) *Develop incentives for Community-Led Projects*

*Note: the Commission's charge excluded review of net metering projects and permitting.

Streamlining Examples

Tiers	Public Notice	Statutory Procedural timelines	Clear check-lists	Description of outreach	CPG performance standards
Tier 1 <500kw	At filing	✓	✓		30 days -3 mo
Tier 2 500kW<2.2MW	45 days prior	✓	✓	✓	12 wks – 6 mo
Tier 3 2.2MW<15MW	60 days prior	✓	✓	✓	<9 months
Tier 4 >15MW	90 days prior + PEP	✓	✓	✓ +PEP	12 months

* All requirements would be on new PSB one-stop-shop website

Goal 3: Increase opportunities for public participation

- 7) Establish 'trigger point' for pre-development notification of public***
- 8) Apply earlier formal public notice prior to filing petition***
 - *Tier 3: 45→60 days*
 - *Tier 4: 45→90 days*
- 9) Increase levels of required public engagement***
- 10) Ensure RPC Funding for 'party' costs (cost-share basis)***

Goal 4: Increase transparency, efficiency & predictability

11) Hire PSB Case Manager

- *Enable Hearing Officers to have procedural discussions with individual parties*

12) Design & Implement PSB Online Docketing

13) Develop checklists for 'deemed complete'

14) Require concurrent ANR permit/CPG timing

15) PSB establish clear timelines for initial stage



- 16) ANR to comply with new performance standards**
- 17) Establish CPG performance standards**
 - Tier 1: up to 3 months
 - Tier 2: up to 6 months
 - Tier 3: up to 9 months
 - Tier 4: up to 12 months
- 18) Apply 'rebuttable presumption' to ANR permits**
- 19) Establish 'one-stop shop' siting website (PSB)**
- 20) Improve PSD website for pre-application and monitoring**

Goal 5: Ensure adequate environmental, health & other protection

- 21) Update relevant standards & guidelines (ANR, PSD, VAAFM, DOH) and place online linked to PSB siting website***
- 22) Give 'substantial consideration' to the Act 250 criteria (i.e. greater weight)***
- 23) Make Agency of Agriculture a statutory party in siting process***
- 24) Request Department of Health to review national standards & provide guidelines for health impacts***
- 25) Consider cumulative impact in review of projects***
- 26) All parties agree on 3rd party monitoring experts***

Cross-Cutting Recommendations

27) PSB to pay particular attention to:

- a) public need for procedural advice in application process (Case Manager);
- b) online case-management system;
- c) consideration of economic efficiency & least environmental damage, with particular attention to climate change;
- d) health issues;
- e) cumulative impacts;
- f) property values;
- g) view sheds in accommodating participation of communities;
- h) setbacks;
- i) public hearings concerns;
- j) more efficient process for smaller, community sponsored projects

28) PSD to propose mechanisms for funding Commission recommendations to improve the siting process

Next steps

1. Legislative deliberations are KEY
 - House & Senate Committees on Natural Resources and Energy
2. Total Energy Study (PSD) – how to reach 90% renewables by 2050
 - Electricity Generation, transportation, thermal, efficiency
 - Scenario Planning (Energy Roadmap)
3. Define needs of RPCs and Municipalities
 - Tools, training, outreach



4. Which recommendations require the legislature and which do not?

- **Administrative action** (e.g., State roadmap planning, RPC planning, updating guidelines, hiring a Case Manager, developing checklists, etc.)
- **Rulemaking** (e.g., Timelines, performance standards, concurrent ANR/CPG permit filing, etc.)
- **Legislative change** (e.g., Simplified tiers, RPCs formal party status, community incentives within tiers, earlier public notification, etc.)

5. Fund Recommendations

- Options to consider: filing fee, annual fee, expanding bill-back authority

EGSPC Summary Messages

- ✓ **Fundamental shift from purely reactive project review to proactive regional planning**
- ✓ **More client focus = greater efficiency, better siting**
- ✓ **Significantly different Sec. 248 process = more projects *and* greater local support**
- ✓ **More uniformity and guidance = better protection**

➤ Result

A siting process that is more open, accessible, and inclusive, while also providing greater predictability and efficiency to ensure that the *best*, rather than the *easiest* sites are selected and processed quickly



Thank you



<http://sitingcommission.vermont.gov>