

VT Energy Generation Siting Process Strengths & Weaknesses

(Participant) perspective

Presented to:

***VT Energy Generation
Siting Policy Commission***

Meeting #3 – Learning from Participants in the
Process

(Nov 30, 2012)

Background

CONTEXT

- First Wind developed the Sheffield Wind Project which has been operational for 1 year
- First Wind developed and operates 7 other projects in the Northeast, 3 in the West and 4 in Hawaii

SUMMARY

- The Energy Siting Standards are rigorous, fair and appropriate for evaluating energy projects in Vermont
- However, the Process is too uncertain and allows ample opportunities for delays and wasted resources

Siting Approval Practices Pros

- Clear process and standards
- Professional process that relies on facts, science and experts
- Agency staff accessible and clear on their mandate to protect the resources, but willing to collaborate to resolve issues and study impacts
 - Bat curtailment, bear habitat protection
- Public input resulted in compromises and reduced impacts
 - Fewer turbines, smaller footprint, narrower roads

Siting Approval Practices Cons

- No statutory timeline for a decision
- State appeal process too lengthy and unpredictable
 - *2006-2008: CPG permit review & appeal process*
 - *2009-2010: Construction Stormwater permit review & appeal process*
 - *2010-2011: Stormwater permit appealed to VT Supreme Court*
- CPG condition approval process too lengthy and unpredictable
 - *10 pre-construction and 4 pre-operation conditions requiring approval in Sheffield CPG*

EXAMPLE FROM SOUND CONDITION (14 month approval process)

- *3/31/2010: Submit sound monitoring plan*
- *5/11/2010 & 5/13/2010: Receive comments from PSB and Opposition Group on Plan*
- *5/26/2010: Respond to comments*
- *9/10/2010: Plan approved by PSB*
- *10/04/2010: Motion filed against plan by Opposition Group*
- *2/11/2011: Motion denied by PSB*
- *5/26/2011: Plan deemed final by PSB*
- *Have received complaints from 2 houses during 1st year of operation*
- *Have completed 3 rounds of monitoring per the plan which concludes project is in compliance*
- *State now wants to conduct monitoring inconsistent with the approved plan in response to one of the complaints*

Public Participation/Representation mechanism

- Public/Agency input key to Sheffield project success and mitigation of impacts
- Host community should receive financial benefits and determine how to distribute
- State, Developer and Stakeholders should have the burden to educate the local community on the proposed development and associated impacts
- Clean Energy Projects have Statewide benefits and satisfy State policy goals, so they should be permitted by the State PSB instead of at the local level
- Successful projects require local support

Adequate protection of lands, environmental & cultural resources

- All state permits should be combined under the CPG (i.e. wetland, stormwater, CPG).
 - The PSB should rely on the State resource experts to advise on various subject matters and work with the developer to improve their application
- Single CPG appeal opportunity
- State should consider charging opposition groups for time spent on appeals/motions
- Developer should pay for required experts to support State review (i.e. sound and visual)

Monitoring Compliance

- Compliance conditions are significant and generate important information on impacts of an operating project
- System for monitoring permit conditions could be improved
 - May want to have a designated staff person as point of contact for a Project
 - Keep track of inspections and compile results during construction
 - Keep track of compliance submittals
 - Provide feedback to developer on compliance submittals
- Extensive inspections of Sheffield before/during/after construction by State
- State could require 3PI inspectors paid for by the developer during construction

Summary of Strengths & Weaknesses: Recommendations

- Strengths
 - State Agencies accessible, protective of the State resources, but willing to reach reasonable settlements
 - Public input key to shaping project and ensuring protection of resources and benefits to the community
 - PSB process professionally weighs pros/cons of proposed development with facts
- Weaknesses
 - No predictability on timeline for decisions
 - Too many opportunities to delay the development and force State and Developer to spend resources
- If there were anything you would change, what would it be?*
- Based on experience, key recommendations for Commission*
 - Need to improve the process for approval and monitoring of permit conditions