VT Energy Generation Siting Process Strengths & Weaknesses

Regional Planning Commission Perspective

Presented to:

VT Energy Generation Siting Policy Commission

Meeting #3 – Learning from Participants in the Process

(Nov 30, 2012)

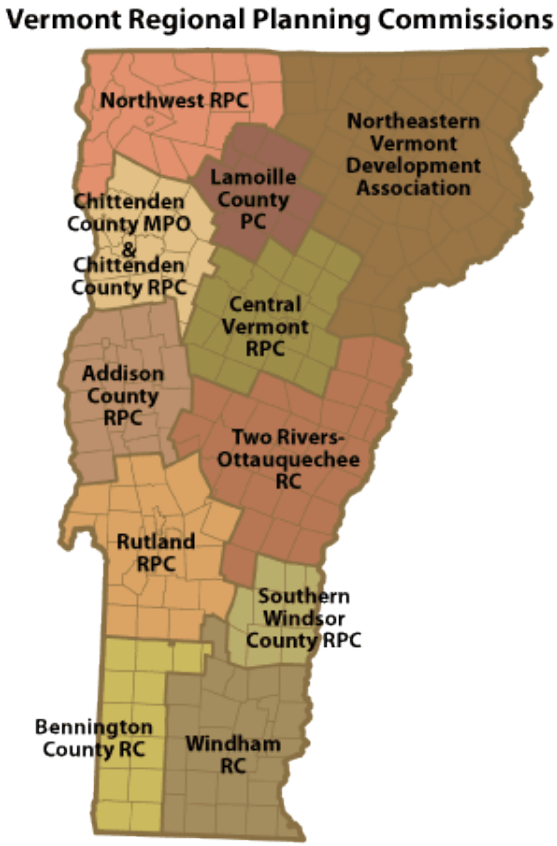
Vermont's Regional Planning Commissions

- Authorized under Title 24 VSA Section 4341
- Created by member municipalities and approved by Agency of Commerce and Community Development (11 RPCs)
- Membership: municipal representatives; may have other elected or appointed members

Vermont's Regional Planning Commissions

- Responsibilities
  - Prepare a comprehensive regional plan
  - Technical planning assistance to towns and villages, support cooperation among municipalities
  - Participate in Act 250 and Section 248 proceedings
  - Conduct studies and provide assistance to municipalities and state agencies in: transportation, housing, emergency management, environmental protection and land conservation, economic development, growth management, solid waste, energy, geographic analysis and mapping,…..

Vermont's Regional Planning Commissions



VAPDA

Vermont Association of Planning and Development Agencies

Siting Approval Practices #1

Strengths & weaknesses:

- The PSB is positioned to provide a consistent statewide forum and process for review of energy projects.
- The PSB has a critical role in helping to ensure the long-term energy security of the state.
- The PSB may well be understaffed given the number and complexity of projects being proposed and the number of parties involved.
- The PSB was created in a time when most energy projects under consideration were large facilities developed by public utilities, while current proposals most often deal with smaller-scale “merchant” plants.

Siting Approval Practices #1

- Timelines can be challenging for towns/regions with limited staff expertise and resources. In many cases, whether participation is pro se or with legal representation, most of the work is done by volunteers.
- There is a concern that all input from state agencies be obtained and properly vetted prior to the PSB rendering a decision.

Siting Approval Practices #1

Ideas for improvement:

- Information about a project – from the developer and any involved agencies – should be shared with municipalities and regional planning commissions early in the process; i.e., well before an application is filed.
- Require that applications be complete prior to acceptance for review; applications deemed incomplete after review has started should be pulled and the process not re-started until they are complete.
- A CPG should not be issued until all state and/or federal permits are issued and construction not started until any appeals are resolved.

Siting Approval Practices #1

- Consider revisiting the PSB enabling statute to reflect current conditions with regard to the size and type of new energy generating facilities.

Siting Approval Practices #2

Strengths & weaknesses:

- Site selection is especially important for renewable energy projects in terms of “Energy Return on Investment” (EROI); there is some inferred recognition of this fact in current PSB practice.
- Use of Act 250 criteria and (limited) recognition of town and regional plans provides some permitting consistency.
- Siting “Guidelines” are relatively weak and don’t effectively capture local and regional issues and concerns.
- Difficult to effectively consider cumulative impacts of multiple projects of a given type on a region.

Siting Approval Practices #2

Ideas for improvement:

- Require EROI analysis as part of the application, with positive consideration given to high EROI projects.
- Develop strong criteria, supported by data, to direct projects toward sites where public benefits are high relative to costs and impacts.
- Consider town and regional plan conformance for land use and aesthetic siting criteria (e.g., impacts on residential/village areas, important viewsheds, potentially conflicting land uses).
- Establishment of a threshold saturation level for a particular type of development in a region.

Siting Approval Practices #2

- Consider which projects are necessarily appropriate for the highly formal, quasi-judicial process of the PSB, and which projects might be more appropriately considered through a less structured process similar to the Act 250 District Environmental Commission process. The State Energy Plan might be used to define how different types of energy projects – in terms of local impact and quantity of power generated/distributed – contribute to the public good of the state as a whole, and which type of process is most appropriate for each.

Public Participation/Representation mechanism

Strengths and Weaknesses:

- Public hearing held in affected area. Towns and regional planning commissions given time to review plans.
- Ability to pursue intervener status.
- Regional planning commissions and local governments lack the technical, legal, and financial resources to fully and effectively participate in the Section 248 process. This is especially true given the increasing number and diversity of projects being proposed.
- Failure to effectively consider impacts, and allocate mitigation measures, to non-host towns.

Public Participation/Representation mechanism

Ideas for Improvement:

- Data developed during the siting process should be made available to municipalities and regional planning commissions to assist with planning and analysis.
- Early consultation by developers (and agencies) with towns and regional planning commissions would help limit the scope, complexity, and cost of participation. (ANR may begin working with developers two years prior to filing and application.)
- Explicitly define the types of impacts to non-host towns that warrant a more formal role for those communities; similarly, define appropriate mitigation and compensation for those towns. (Also need to consider status of affected towns lying outside of Vermont's borders.)

Public Participation/Representation mechanism

- Require developers to provide funding to affected towns and regional planning commissions (possibly a formula-based payment related to project size) and/or create a fund administered by the PSD that would be available to towns and regions to support equitable participation in the process.
- Tie certain formal siting criteria to clearly articulated positions in local and regional plans. May require education and training for towns to ensure that the plans provide the desired guidance.
- Consider a “tiered” status where a less formal process is used, and local and regional plans are given greater weight (similar to Act 250 Criterion 10), for smaller projects.

Adequate protection of lands, environmental & cultural resources

Strengths & weaknesses:

- Comprehensive review of impacts by ANR and other state agencies.
- Awareness/involvement by towns and regional planning commissions comes late in process.
- Mitigation measures need to be more effectively targeted to address demonstrated needs.
- CPG issuance should not precede resolution of environmental permits.
- Certain concerns may not be fully addressed; e.g., impacts on forest and agricultural land, net energy and sustainability.

Adequate protection of lands, environmental & cultural resources

Ideas for improvement:

- Early involvement of municipalities and regional planning commissions – information from developer and agencies.
- Consult with local governments and regional planning commissions to ensure that mitigation measures address identified environmental and infrastructure needs.
- CPG approval/construction should wait until environmental permitting is complete.
- Review and improvement of environmental criteria. Consideration of net energy/EROI to ensure maximum public benefit relative to cost/impact (especially critical for projects that benefit from public investments).

Monitoring Compliance

Strengths & weaknesses / Ideas for improvement:

- Provision of data on environmental impacts and actual generation should be required as a condition of any CPG. The information should be provided to the Public Service Department, environmental agencies, towns, regional planning commissions, and the public.
- Cumulative impact of numerous projects of a certain type can have a serious impact on the character of a town or region. There should be a way to measure those impacts and establish thresholds – perhaps related to total generating capacity relative to regional or state consumption levels.

Summary of Strengths & Weaknesses: Recommendations

- Strengths:
  - Consistent statewide process that gives consideration to the long-term energy security of the state as expressed in the state energy plan.
  - Acknowledgement of local and regional plans and input.
  - Expertise from state agencies, especially ANR for complex environmental impact analysis.

Summary of Strengths & Weaknesses: Recommendations

- Weaknesses:
  - Awareness and involvement by towns and regional planning commissions comes too late in the process.
  - Lack of strong siting criteria to direct development to best sites.
  - Complexity and cost of participating for local governments and regional planning commissions, and formality of process regardless of size and scope of project.
  - Impacts in non-host towns are not effectively considered.
  - Mitigation measures are not always effectively targeted to meet identified needs.

Summary of Strengths & Weaknesses: Recommendations

- Changes and Recommendations
  - Mechanism to ensure earlier involvement of, and sharing of information with, municipalities and regional planning commissions.
  - Develop strong siting criteria and relate them to local and regional plans, especially as they concern land use patterns, aesthetics, and similar issues.
  - Provide funding to local governments and regional planning commissions to allow for more effective participation.

Summary of Strengths & Weaknesses: Recommendations

- Develop a less formal process, similar to Act 250 District Environmental Commission proceedings, for projects whose impacts are more local/regional in nature, and consider giving greater authority to local and regional plans in those cases. Use State Energy Plan for guidance in setting those thresholds.
- Provide clear standards for mitigation/compensation for host and impacted non-host communities.
- Completion of environmental permitting to precede CPG.
- Fully assess and consider energy return on investment in terms of both siting and long-term viability/sustainability of projects.