

State of Vermont
Department of Public Service
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August 14, 2018

Via Email to cbaker@ccrpcvt.org and U.S. Mail:

Charlie Baker, Executive Director
Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, Vermont 05404-2109

Re: Determination of Energy Compliance

Dear Mr. Baker:

Enclosed please find the Certificate of Energy Compliance for the Chittenden County Regional Planning Commission's ECOS Plan, along with a companion document that records the procedural history, discusses public comments, and offers observations.

If you have any questions or concerns, please let me know.

Sincerely,


Sheila Grace
Special Counsel

Enclosures:
Certificate of Energy Compliance and Companion Document

cc: Melanie Needle



**STATE OF VERMONT
PUBLIC SERVICE DEPARTMENT**

24 V.S.A. § 4352 Determination No. 11

CERTIFICATE OF ENERGY COMPLIANCE

On this 9th day of August, 2018, I affirmatively determined that the Chittenden County Regional Planning Commission's ECOS Plan for Chittenden County duly adopted on June 20, 2018, complies with the energy planning requirements set forth in 24 V.S.A. § 4352.



June E. Tierney
Commissioner
Vermont Public Service Department

Pursuant to 24 V.S.A. § 4352, a regional planning commission aggrieved by an act or decision of the Commissioner of Public Service may appeal to the Natural Resources Board established under 10 V.S.A. chapter 151 within 30 days of the act or decision.

**STATE OF VERMONT
PUBLIC SERVICE DEPARTMENT**

24 V.S.A. § 4352 Determination No. 11

**DETERMINATION OF ENERGY PLANNING COMPLIANCE PURSUANT TO 24
V.S.A. § 4352 FOR CHITTENDEN COUNTY REGIONAL PLANNING
COMMISSION'S ECOS PLAN**

I. INTRODUCTION

Today, in my capacity as the Commissioner of the Vermont Public Service Department (“Department”), I have issued the attached certificate memorializing my affirmative determination pursuant to 24 V.S.A. § 4352(a) that the Chittenden County Regional Planning Commission’s (“CCRPC”) ECOS Plan complies with the requirements of 24 V.S.A. § 4352 for enhanced energy planning.¹ This determination is made solely as to whether the ECOS Plan complies with the statutory planning requirements of 24 V.S.A. § 4352. This determination does not mean that the Department endorses the substantive policy judgments contemplated or promoted in these plans. Additionally, I hereby record the procedural history leading to the compliance determination, as well as a report of the public comments the Department received.

II. PROCEDURAL HISTORY

On June 21, 2018, the CCRPC submitted the ECOS Plan for a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. § 4352.

¹ The ECOS Plan was duly adopted on June 20, 2018.

On June 27, 2018, the Department solicited recommendations from the Secretaries of Agriculture, Food, and Markets; Commerce and Community Development; Natural Resources; and Transportation as to whether the ECOS Plan should be certified as compliant with the requirements of 24 V.S.A. § 4352. None of these agencies have opposed certification of the ECOS Plan.

On June 28, 2018, notice of a public hearing scheduled for August 6, 2018 was posted on the Department's website.

On June 29, 2018, notice of a public hearing scheduled for August 6, 2018 was mailed directly to the CCRPC.

On June 30, 2018, notice of a public hearing scheduled for August 6, 2018 was published in The Burlington Free Press.

On August 6, 2018, the Department convened a public hearing at the CCRPC's Office in Winooski, Vermont.

III. AGENCY COMMENTS

Agency of Transportation

On July 17, 2018, AOT informed the Department that it does not have any recommendations for changes to, nor do they oppose certification of, the ECOS Plan.

Agency of Agriculture, Food & Markets

On July 25, 2018, AAFM filed comments with the Department noting that the ECOS Plan meets the Act 174 requirements and providing updated information on woody biomass and invasive species concerns in light of the recent detection of emerald ash borer in three Vermont counties. When addressing woody biomass for heating, AAFM suggests consulting

recommendations that can be found at

<https://vtinvasives.org/sites/default/files/images/SlowSpreadWoodVT.pdf> to slow the spread of the insect and provide greater protection for un-infested forests should be followed. For biomass and cogeneration facilities, recommendations include screening of storage and processing areas, limitations on the length of time unprocessed material can remain on-site before use, chipping logs at the harvest site rather than at the facility, careful selection of harvest areas and species used, timing of harvests to target periods when pests are less likely to be mobile, heat treatment, etc.

Agency of Natural Resources

On July 24, 2018, ANR filed comments with the Department noting that the ECOS Plan leaves the designation of specific preferred locations for energy generation to municipalities and commits the CCRPC to helping member municipalities identify such locations in the future. The Agency is supportive of this effort and notes that site-specific investigation of preferred locations may reveal environmental constraints. CCRPC and its member municipalities are encouraged to contact Agency staff for assistance analyzing such site-specific environmental constraints and natural resource values when identifying specific preferred locations. ANR does not oppose certification of the ECOS Plan.

IV. PUBLIC COMMENTS

During the August 6 public hearing, several members of CCRPC's Board of Commissioners or CCRPC's Long Range Planning Energy Sub-Committee spoke in favor of the plan. Additionally, a representative of the CCRPC described the robust engagement they had with member municipalities and other stakeholders during development of the ECOS Plan, which gives me confidence that there has been a full and fair opportunity for public review of

and comment on the ECOS Plan with regard to compliance with the enhanced energy planning requirements of 24 V.S.A. § 4352.

V. **CONCLUSION**

Based on my review of the ECOS Plan, I have determined that it complies with the requirements of 24 V.S.A. § 4352.

Dated at Montpelier, Vermont this 9th day of August 2018.

VERMONT PUBLIC SERVICE DEPARTMENT



June E. Tierney
Commissioner
Vermont Public Service Department