

From: Springer, Darren [Darren.Springer@vermont.gov]
Sent: Monday, June 06, 2016 11:39 AM
To: Coriell, Scott
Subject:

I have carefully reviewed S. 230, which is a bill designed to give communities more say as we plan for our renewable energy future together. The core of this bill is something I strongly support and desire to see move forward. S. 230 was finalized very late in the legislative session, and unintended changes were made at the last minute. After consulting with legal experts at the Public Service Department and the Public Service Board, I have determined that in a few critical instances the language in the bill does not match what I understand to be the intent of the legislature.

There are four issues with the bill that need to be fixed. First, in seeking temporary rules for new wind sound standards the bill unintentionally invokes a provision in 3 V.S.A. 844(a) that would make Vermont the first state in the country to declare a public health emergency around wind energy, without peer-reviewed science backing that assertion up. Second, in setting a ceiling for new temporary wind sound standards, the bill unintentionally relies on a standard used in a small 150 kilowatt project as the standard for all wind, large and small, going forward. That standard, a complex and variable formula that would require no sound higher than 10 decibels above ambient background, could have the clearly unintended effect of pushing wind projects closer to homes where the background noise is higher. In addition to these two problems, \$300,000 in planning funds for communities was unintentionally left out of the bill, and a provision in the bill requiring notice of certificates of public good to be filed with land records could create problems for residential solar customers when they go to sell their home.

I believe that taken together, the emergency declaration and the restrictive sound standards will create make it impossible to continue to sensibly site renewable wind power in Vermont. Through the policies passed by the this Legislature, we have made great progress on building renewable energy. We have created 17,700 clean energy jobs which represents 6 percent of the Vermont workforce and makes us the highest per capita on clean energy jobs in the nation. Signing S. 230 as drafted would take us backwards and take an important renewable energy technology off the table. I cannot support that action, and therefore I am vetoing S. 230. I believe, however, the limited number of issues identified in the bill can and should be remedied by the Legislature during a veto session scheduled for June 9. I offer my support, and offer my Administration's assistance, to any efforts that can be made to match the language to the original legislative intent, and fix these issues through a modified version of the legislation to my desk that I can sign. I hope the Legislature will prioritize that on June 9, so our communities can benefit from an enhanced voice as we move forward with renewable energy in Vermont.

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