

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 18-3449-PET

Petition of Salisbury AD 1, LLC for a certificate of public good, pursuant to 30 V.S.A. § 231, to own and operate a renewable natural gas facility in Salisbury, Vermont, and for de minimis regulation, and to address motions to transfer and amend the 30 V.S.A. § 248 CPG for the facility that was issued in Case 8596	
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Order entered: 02/07/2019

PROCEDURAL ORDER RE: ADDITIONAL INFORMATION
AND NOTICE OF STATUS CONFERENCE

This case concerns proposed amendments to the Section 248 certificate of public good (“CPG”) issued by the Vermont Public Utility Commission (“Commission”) for a renewable natural gas facility at 615 Shard Villa Road in Salisbury, Vermont (the proposed amended “Project”). The unamended Section 248 CPG was transferred to Salisbury AD 1, LLC (“Salisbury AD 1” or “Petitioner”).

A scheduling order issued on January 22, 2019, required that stipulations and Salisbury AD 1’s proposal for decision be filed by February 6, 2019, and that the Vermont Department of Public Service (“Department”) file testimony or a comment letter by February 13, 2019.

On February 6, 2019, Salisbury AD 1 filed a status update stating that it is engaging in good faith discussions with the Vermont Agency of Natural Resources (“ANR”) and the Vermont Agency of Agriculture, Food, and Markets (“AAFM”). Salisbury AD 1 anticipates being able to file stipulations within the next few days.

Salisbury AD 1 also states that it is seeking a CPG by March 15 in order to allow construction to occur in 2019.

Because Salisbury AD 1 was unable to provide me with the necessary February 6 filings, I am unable to determine at this time whether an evidentiary hearing is needed and therefore I am not scheduling one for February 22.

I do have several questions for Salisbury AD 1 based on documents I have reviewed to date. However, assuming that the Department, ANR, and AAFM have no outstanding issues or need for a hearing, it may be possible for Salisbury AD 1 to address my questions about the Project in writing, thereby avoiding the need for a hearing altogether. Accordingly, my list of questions based on review of Salisbury AD 1's discovery responses and supplemental filings is provided below. Salisbury AD 1 is directed to file a response by February 15, 2019.

Hearing Officer's Request for Additional Information

(1) The revised site plan, exhibit SAD1-3 (rev. 2) depicts the proposed gas line from the biogas upgrader to the metering and regulation station with the notation: "final gas line alignment to be determined." The metering and regulation station has the notation: "final location [to be determined]." The Petitioner is directed to provide the following:

(a) What evaluations must be completed to determine the final location of the metering and regulation station and the gas line from the biogas upgrader to the station? How might the locations of these Project features be modified as a result?

(b) The tally of wetland buffer impacts in exhibit SAD.1-20, VHB Supplement, does not appear to include consideration of the proposed gas line. It is also not clear if the estimate of construction soil disturbance in the same exhibit includes the proposed gas line, feedstock line, and effluent line. The Petitioner is directed to clarify the wetland buffer and soil disturbance areas if necessary.

(c) The site plan, exh. SAD.1-3 (rev. 2) at sheet C5.02, depicts a construction entrance where the existing access driveway joins Shard Villa Road. In light of the proposed daily truck traffic to the site, and the representation on the site plan that the gas line will be located within the access driveway width, the Petitioner is directed to clarify whether any permanent upgrades to the existing driveway are required for the Project to support the anticipated truck traffic, prevent erosion adjacent to the wetland buffer, and protect the gas line.

(2) During the November 20, 2018, status conference, I inquired about the need to conduct blasting in order to construct the digester tanks. The Petitioner's attorney responded that

they are not expecting to need to conduct blasting based on the engineering that has been done.¹ The Petitioner's discovery responses filed on January 24, 2019, include a geotechnical report² that concludes: "Bedrock is likely to be present above plan subgrade elevations at the hydrolyzer and digester sites. We anticipate that blasting will be required to achieve its removal."

The Petitioner is directed to reconcile the matter of whether blasting will be required, and if so, to file supplemental testimony addressing the matter, including a proposed blasting plan.

(3) During the November 20, 2018, status conference, I asked the Petitioner to provide the location of the three additional farm lagoons that are proposed to be used for liquid digestate storage. I also asked if transport of liquid digestate to those lagoons would require use of public roads or would occur entirely on farm roads. The Petitioner responded that the transportation would be limited to farm roads.³

The Petitioner subsequently filed exhibit SAD1-21, depicting the location of the three additional waste lagoons to be used for the Project. Two are located north of the Project site on Shard Villa Road, and one is located northeast of the Project site on Middle Road, which appears to be accessible from the Project site via Shard Villa Road or Columbus Smith Road and Middle Road. The Petitioner also addressed some of its anticipated trucking estimates in responses to discovery filed on January 24, 2019.⁴ This includes the potential for up to one truckload per day (Monday through Friday) of excess effluent to a certified disposal facility located elsewhere in the state, such as Middlebury, Brattleboro, or Coventry.

The Petitioner is directed to clarify its Project-related traffic estimate to address the anticipated number of truck trips to/from the site for fuel deliveries, transport of liquid digestate on area roads to the Project's storage lagoons, transport of excess effluent to a certified waste disposal facility, and any other trucking or transportation needs anticipated for operation of the Project.

(4) The prefiled testimony should be corrected to include the vegetation clearing proposed for the water supply well and water line.

¹ Tr. of 11/20/2018 at 10-11.

² Discovery Document SAD1.ANR1-15.

³ Tr. of 11/20/2018 at 12-13.

⁴ Discovery response 2018-01-23 SAD1 Responses to ANR Discovery R1 at Q.ANR:SAD.1-46, 60, 61, and 81.

Status Conference

A status conference is tentatively scheduled for February 22, 2019, at 9:30 A.M. in the Commission's Susan M. Hudson Hearing Room, 112 State Street, Third Floor, Montpelier, Vermont, to discuss the need for additional process or the need for an evidentiary hearing on March 14, 2019. Parties are directed to file their requests for a status conference by February 20, 2019.

SO ORDERED.

Dated at Montpelier, Vermont, this 7th day of February, 2019.



Monica Stillman
Hearing Officer

OFFICE OF THE CLERK

Filed: February 7, 2019

Attest: 
Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 18-3449-PET - SERVICE LIST

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