

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Salisbury AD 1, LLC for an	)	
Amended Certificate of Public Good for the	)	
Salisbury Renewable Natural Gas Facility off of	)	Case No. 22-____-PET
Shard Villa Road in Salisbury, Vermont	)	

PETITION TO AMEND CERTIFICATE OF PUBLIC GOOD

Certificate of Public Good (“CPG”) Holder Salisbury AD 1, LLC (“SAD1”) hereby petitions the Vermont Public Utility to amend the CPG previously issued for SAD1’s Salisbury Renewable Natural Gas Facility (the “Project”) in Docket No. 8596, as amended in Case No. 18-3449-PET, in order to accommodate a minor change to the approved feedstock delivery schedule. Specifically, SAD1 respectfully requests that the Commission amend Condition 7 of the Amended CPG to allow for occasional deliveries outside of the approved delivery windows between the hours of 5:00 A.M. to 8:00 P.M. As discussed below and attested in the attached affidavit of Michael Routledge of Vanguard Renewables, there is no potential for significant impacts as a result of this minor change to the approved delivery schedule.

Procedural History

The Project was initially proposed by Lincoln Renewable Natural Gas, LLC and issued a CPG in Docket 8596 on April 8, 2016. That CPG was transferred to SAD1 and amended in Case No. 18-3449-PET on March 14, 2019. The Commission issued a second amended CPG on September 3, 2020 to address some equipment specifications and design changes in the same docket (18-3449-PET). The Project is now operational, but SAD1 is requesting an amendment to Condition 7 of the Amended CPG issued on March 14, 2019 in order to address the scheduling of

feed stock delivery issues that have arisen, as described in more detail below and in the affidavit of Mr. Routledge.

Proposed Change

Since the Project has begun operating, SAD1 has found that in certain situations the delivery restrictions in Condition 7, which limits deliveries to between the hours of 8 AM and 5 PM Monday through Friday and 9 AM to 1 PM on Saturday,¹ are interfering with SAD1's ongoing ability to receive food waste feedstock from certain businesses. These deliveries are critical to maintaining operational levels for the biodigester and generate as much renewable natural gas as possible for the Project offtakers, Vermont Gas and Middlebury College. *Routledge Affidavit* ¶ 4. There are circumstances that are beyond SAD1's control where SAD1's contracted waste haulers may only be able to deliver food waste outside of the currently-approved delivery periods, such as the lead up before a major storm, during limited events like the Addison County Field Days, or emergency situations. *Routledge Affidavit* ¶ 5. While SAD1 has to date complied with the delivery restrictions of Condition 7, if SAD1 cannot receive the food waste because the delivery would be outside the permitted hours, the haulers take the food waste to other locations such as lagoons at other farms. The result is less feedstock to SAD1's biodigester facility. *Routledge Affidavit* ¶¶ 4-6.

In order to mitigate this issue, SAD1 is requesting that the Commission amend the feedstock delivery schedule in Condition 7 to allow for occasional deliveries outside of the currently-proscribed delivery windows. Specifically, SAD1 is requesting that the Commission allow up to 10% of deliveries (on average once per day or 6-7 times/week) to occur outside of the currently-

¹ Condition 7 in its entirety reads:

The CPG Holder shall restrict off-farm feedstock deliveries to the Amended Project to the hours between 8:00 A.M. and 5:00 P.M. Monday through Friday, and 9:00 A.M. to 1:00 P.M. on Saturday. No deliveries shall take place on Sundays or state or federal holidays.

permitted schedule on any day of the week. In no instance would any deliveries occur between 8:00 P.M. and 5:00 A.M. *Routledge Affidavit* ¶ 7. To this end, SAD1 proposes revising Condition 7 to read as follows:

The CPG Holder shall restrict off-farm feedstock deliveries to the Amended Project to the hours between 8:00 A.M. and 5:00 P.M. Monday through Friday, and 9:00 A.M. to 1:00 P.M. on Saturday, except that up to 10% of weekly deliveries may be made between the hours of 5:00 AM and 8:00 PM on any day of the week.

The only change being requested is the timing of 10% of deliveries. There would be no increase in the total number of deliveries, and no additional dust or sound impacts beyond the current delivery traffic. *Routledge Affidavit* ¶ 9.

Memorandum of Law

The proposed change to Condition 7 will not result in any undue adverse impacts under Section 248 criteria. Having up to 10% of the deliveries occur outside of the currently-approved schedule will not cause any increase in the total amount of traffic on Shard Villa Road, and will not cause a substantial increase in traffic during these periods. *Routledge Affidavit* ¶¶ 8, 9. The host farm has confirmed that their large farm vehicles such as tractors, trucks, and trailers regularly travel on Shard Villa Road before 8:00 A.M. (and as early as 5 A.M.) and after 5:00 P.M. (and up to 8 P.M.) *Routledge Affidavit* ¶ 8. As a result, the change to the delivery schedule will not cause unreasonable congestion or unsafe conditions on Shard Villa Road. Given the small number of potential deliveries that may occur outside of the current delivery schedule, that these deliveries would be limited to the hours of 5:00 A.M. to 8:00 P.M., and the existing large farm vehicle traffic in the area during these periods, there is no potential for significant impacts as a result of this minor change to the approved delivery schedule.

Conclusion

Based on the above, SAD1 respectfully requests that the Commission issue an amendment revising the CPG language of Condition 7 of the Amended CPG issued on March 14, 2019 to read as follows:

The CPG Holder shall restrict off-farm feedstock deliveries to the Amended Project to the hours between 8:00 A.M. and 5:00 P.M. Monday through Friday, and 9:00 A.M. to 1:00 P.M. on Saturday, except that up to 10% of weekly deliveries may be made between the hours of 5:00 AM and 8:00 PM on any day of the week

Dated at Burlington, Vermont this 7th day of April, 2022.

By:



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AFFIDAVIT OF MICHAEL ROUTLEDGE

1. My name is Michael Routledge. I am Vice President of Operations for Vanguard Renewables (“Vanguard”). My business address is 15 Walnut St, Suite 300, Wellesley, MA 02481. Certificate of Public Good (“CPG”) Holder Salisbury AD 1, LLC (“SAD1”) is an affiliate of Vanguard.

2. The purpose of my affidavit is to support SAD1’s request for a minor change to the CPG-based schedule restrictions for delivery of off-site feedstock to the Salisbury renewable natural gas facility located on Shard Villa Road in Salisbury, Vermont (the “Project”).

3. Condition 7 of the CPG (issued in Case No. 8596, as amended on March 14, 2019 and September 3, 2020 in Case No. 18-3449-PET) currently restricts off-farm feedstock deliveries to the Project site to between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, and 9:00 A.M. to 1:00 P.M. on Saturdays. No deliveries are allowed on Sunday or state or federal holidays.

4. SAD1 has complied with the restricted delivery schedule to date. On average the facility receives approximately 65 feedstock deliveries each week. However, it is finding that this schedule is interfering with SAD1’s ongoing ability to receive food waste feedstock from certain businesses, which is critical to maintaining operational levels for the biodigester and generate as much renewable natural gas as possible for our offtakers, Vermont Gas and Middlebury College.

5. There are a number of circumstances that are outside SAD1's control when the delivery restrictions are problematic, including the following:
- a. During times when a major storm is predicted, our contracted waste haulers need to remove as many loads as possible from commercial food waste generators to ensure that those food-based business have capacity in their waste tanks during the weather event. The haulers often work longer hours in the lead up to a storm event, and need to off-load the food waste at times that do not always coincide with SAD1's delivery time restrictions.
 - b. One of our primary haulers handles the food waste hauling for the Addison County Field Days (County Fair). During the week of the Fair in mid-August the hauler would not be able to offload food waste to SAD1 and similar clients until late in the day, which would occur after SAD1's permitted hours.
 - c. There have been occasions when a hauler for SAD1 has major hauling projects for other clients and as a result needs its drivers to haul loads from waste generators to SAD1 and other recipients earlier in the day (e.g., 5:00 am), in order for their drivers to be available for the other work.
 - d. Haulers are moving feedstock over long distances and often would like to make more than one trip per day.
 - e. Emergency hauls from our customers due to issues in their manufacturing process can happen at any time.
6. If SAD1 cannot receive the food waste because the delivery would be outside the permitted hours, the haulers take the food waste to other locations such as lagoons at other farms. The result is less feedstock to SAD1.

7. In light of the above circumstances, SAD1 is requesting approval to amend the approved feedstock delivery schedule in Condition 7 to allow for occasional deliveries outside of the approved delivery windows. Specifically, SAD1 is requesting that the Commission allow up to 10% of deliveries (on average once per day or 6-7 times/week) to occur outside of the currently-permitted schedule on any day of the week. In no instance would any deliveries occur between 8:00 P.M. and 5:00 A.M.

8. Having up to 10% of the deliveries occur outside of the approved schedule will not cause a substantial increase or unusual traffic on Shard Villa Road during these periods. As confirmed by the Goodrich Family Farm, their large farm vehicles such as tractors, trucks, and trailers regularly travel on Shard Villa Road before 8:00 A.M. (and as early as 5 A.M.) and after 5:00 P.M. (and up to 8 P.M.) As a result, the change to the delivery schedule will not cause unreasonable congestion or unsafe conditions on Shard Villa Road.

9. The only change being requested is the timing of 10% of deliveries. There would be no increase in the total number of deliveries, and no additional dust or sound impacts beyond the current delivery traffic.

10. Given the small number of potential deliveries that may occur outside of the current delivery schedule, that these deliveries would be limited to the hours of 5:00 A.M. to 8:00 P.M., and the existing large farm vehicle traffic in the area during these periods, there is no potential for significant impacts as a result of this minor change to the approved delivery schedule.

I, Michael Routledge, do hereby swear and affirm under the penalty of law that the information provided in my affidavit is true and accurate to the best of my knowledge. I understand that if the above statement is false, I may be subject to sanctions by the Vermont Public Utility Commission for contempt.



Michael Routledge

04/06/2022

Date