

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 22-1168-PET

Petition of Salisbury AD 1, LLC to amend the certificate of public good issued in Case #8596 and amended in Case #18-3449-PET for the Salisbury Renewable Natural Gas Facility in Salisbury, Vermont	
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Order entered: 06/23/2022

FINAL ORDER GRANTING AMENDMENT TO CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves a petition filed by Salisbury AD 1, LLC (“SAD 1”) with the Vermont Public Utility Commission (“Commission”) requesting an amendment to its existing certificate of public good (“CPG”) that authorized the construction and operation of the Salisbury Renewable Natural Gas Facility (the “Project”). Specifically, SAD 1 seeks an amendment to Condition 7 of the CPG to allow for occasional off-farm feedstock deliveries outside of the authorized delivery schedule.

In today’s proposal for decision, I recommend that the Commission approve the petition with conditions.

II. PROCEDURAL HISTORY

On April 16, 2016, the Commission issued a CPG in Docket No. 8596, authorizing the construction and operation of the Project. The CPG was later amended in Case No. 18-3449-PET.

On April 7, 2022, SAD 1 filed its petition to amend the CPG.

On May 20, 2022, the Vermont Agency of Natural Resources (“ANR”) filed comments stating that it does not object to SAD 1’s request to amend the CPG to allow feedstock deliveries to occur on the days as requested. ANR recommends that approval be conditioned on SAD 1

obtaining an amendment to the Project's Solid Waste Certification to allow for deliveries on Sundays. No other comments were received.

On May 27, 2022, SAD 1 filed reply comments stating that it does not object to ANR's proposed condition.

No party has requested an evidentiary hearing or objected to the material filed by SAD 1. Accordingly, the following materials are admitted into the evidentiary record as if presented at a hearing:¹ (1) Petition; Affidavit of Michael Routledge ("Routledge Affidavit"); (2) ANR comments; and (3) SAD 1 reply comments.

III. FINDINGS

Pursuant to 30 V.S.A. § 8(c), and based on the record and evidence before me, I present the following proposed findings of fact to the Commission. The findings below begin with a description of the proposed amendment and then address only the substantive criteria of Section 248 that the amendment has the potential to significantly affect.

1. On April 16, 2016, in Docket No. 8596, the Commission issued a CPG to SAD 1 authorizing the construction and operation of the Project. The CPG was amended in Case No. 18-3449-PET in an Order issued on September 30, 2020. Petition at 1.

2. Condition 7 of the CPG states that "[t]he 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." Petition at 2 n.1.

3. SAD 1 has complied with the delivery restrictions of Condition 7. Affidavit at 1.

4. SAD 1 has found that if the Project 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 for SAD 1's biodigester facility. Routledge Affidavit at 1-2.

5. SAD 1 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, SAD 1 is requesting that the Commission allow up to 10% of deliveries (on average

¹ Objections to the admission of these documents must be filed within 14 calendar days of this order.

once per day or 6-7 times per 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. Routledge Affidavit at 3.

6. As confirmed by the Goodrich Family Farm, their large farm vehicles, such as tractors, trucks, and trailers, regularly travel on Shard Villa Road as early as 5:00 A.M. and as late as 8:00 P.M. As a result, the change to the delivery schedule will not cause unreasonable congestion or unsafe conditions on Shard Villa Road. Routledge Affidavit at 3.

7. Given the small number of potential deliveries that may occur outside of the currently permitted delivery schedule, the fact 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 are no significant impacts expected as a result of the proposed change to the delivery schedule. Routledge Affidavit at 3.

8. Off-farm feedstock deliveries to the Project are subject to the terms and conditions of a Solid Waste Certification issued by the Vermont Department of Environmental Conservation, Solid Waste Program. The Solid Waste Certification presently allows for feedstock deliveries Monday through Saturday between the hours of 5:00 A.M. and 10:00 P.M. No deliveries are allowed on Sundays. ANR Comments at 1-2.

9. On May 19, 2022, SAD 1 filed a request to amend the Project's current Solid Waste Certification to allow for deliveries on Sundays. SAD 1 Reply Comments.

10. Based on the above findings, the change to the feedstock delivery schedule does not have the potential for significant impact under any other applicable Section 248 criteria. Routledge Affidavit at 4; findings 1 through 9, above.

IV. DISCUSSION

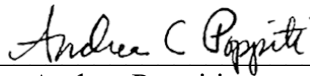
SAD 1 seeks an amendment to its CPG that would allow it to adjust its feedstock delivery schedule in Condition 7. Specifically, SAD 1 asks that Condition 7 be replaced in its entirety with the following:

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.

ANR does not object to the Commission approving the Petitioner's request to amend the CPG to allow deliveries to take place during the days and times requested provided that any such approval is conditioned on the Petitioner obtaining an amendment to the Project's Solid Waste Certification to allow for deliveries on Sundays. According to SAD 1, it is in the process of obtaining an amendment to its Solid Waste Certification issued by the Vermont Department of Environmental Conservation, Solid Waste Program.

Based on the above findings and the representations of SAD 1, I recommend that the Commission find that the proposed change to the Project will not result in any undue adverse impacts under any potentially affected Section 248 criteria. I further recommend that the Commission approve the feedstock delivery schedule changes on the condition that SAD 1 obtain an amendment to its Solid Waste Certification to allow for deliveries on Sundays.

This Proposal for Decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.



Andrea Poppiti
Hearing Officer

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. The changes to the feedstock delivery schedule for the Salisbury Renewable Natural Gas Facility, as described in the evidence submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and an amendment to the certificate of public good issued in Docket No. 8596 on April 16, 2016, to that effect shall be issued in this matter.

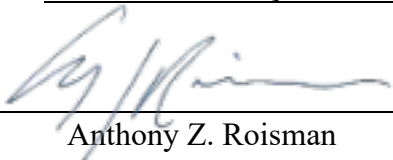
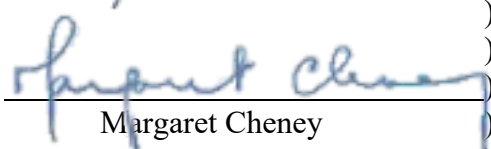
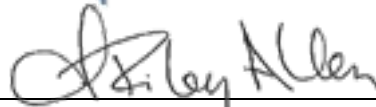
3. Our approval of the amendment is conditioned on Salisbury AD 1, LLC, obtaining an amendment to its Solid Waste Certification.

4. All future compliance filings related to the Project shall be made in the compliance subcase of this case, Case No. 22-1168-PET, using ePUC.

5. As a condition of this Order, Salisbury AD 1, LLC, shall comply with all terms and conditions set out in the certificate of public good issued in Docket No. 8596, as amended in Case No. 18-3449-PET, and the amendments issued in conjunction with this Order.

6. The Commission will close Docket No. 8596 and Case No. 18-3449-PET.

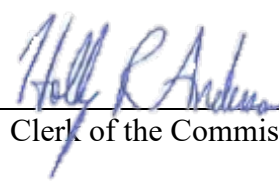
Dated at Montpelier, Vermont, this 23rd day of June, 2022.

	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
J. Riley Allen	)	OF VERMONT

OFFICE OF THE CLERK

June 23, 2022

Filed:

Attest: 
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)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 22-1168-PET - SERVICE LIST

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