

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No.

Putney Green Acres Solar, LLC petition to extend)
the commissioning deadline for a 500 kW net-)
metered solar array approved in Case No. 21-)
0401-NMP and located on a former paper sludge)
dump site in Putney, Vermont)

PETITION TO EXTEND COMMISSIONING DEADLINE

NOW COMES Putney Green Acres Solar, LLC (PGAS), by and through the undersigned counsel, to petition the Vermont Public Utility Commission for a waiver of Rule 5.110(C) and an extension of time to commission a 500 kW net-metered solar array approved in Case No. 21-0401-PET. In support of its request, PGAS states as follows:

1. On September 8, 2021, the Public Utility Commission issued PGAS a certificate of public good (CPG) to install and operate a 500 kW ground-mounted solar net-metered array on a closed sanitary landfill in Putney, Vermont (Case No. 21-0401-NMP) (the Project).

2. The landfill was closed and soil-capped in 1994 under the authority of an Assurance of Discontinuance executed by the Putney Paper Company and the Agency of Natural Resources (ANR), and since then it has been monitored and maintained in conformance with an ANR approved closure plan.

3. Consistent with ANR's Landfill Preferred Site Certification letter filed with the CPG application as Exhibit PGAS-MS-5, the CPG includes a condition that prohibits all site preparation and construction "until the landfill owner has obtained

approval for a Post-Closure Certification Amendment from ANR for the former Putney Paper (Green Acres) landfill.” See Attachment 1 (CPG) and Attachment 2 (ANR Landfill Preferred Site Certification letter).

4. When the CPG was issued, the host landowner was Green Acres of Vermont, Inc. Green Acres of Vermont sold the property to Sunny Acres LLC (the Landowner) on February 3, 2022. Under Vermont’s Solid Waste Management law and implementing regulations, the sale required a modification of the landfill’s certification and a new post-closure plan for monitoring and maintaining the landfill site. See also Attachment 2.

5. An ANR-approved Phase II Environmental Site Assessment (ESA) of the property was required by ANR’s Brownfields Reuse and Environmental Liability Limitation Program before the Landowner could develop and submit a post-closure plan to the ANR Solid Waste Management Program.

6. In April 2022, while the Phase II ESA was still underway, the Landowner began consultation with the Solid Waste Management Program to develop a post-closure plan for the landfill site.

7. On February 15, 2023, the Landowner submitted the post-closure plan to the Solid Waste Management Program for certification.


8. On August 9, 2023, the Solid Waste Management Program issued a draft certification. The public comment period for the draft certification ran from August 11, 2023 to September 11, 2023.

9. On October 11, 2023, the Solid Waste Management Program issued the final Post-Closure Certification Amendment to the Landowner for the landfill. The appeal period for the Certification ended on November 11, 2023. Attachment 3.

10. The timing of the Solid Waste Management Program's issuance of the Post-Closure Certification Amendment was outside the control of PGAS and the Landowner. PGAS and the Landowner took reasonable and timely action to secure a Post-Closure Certification Amendment for the landfill to satisfy CPG Condition 13 issued to PGAS.

11. Having satisfied Condition 13 of the CPG, and with the passage of the appeal period for the Certification Amendment, PGAS can now begin the next steps necessary to bring the Project to completion, which steps include securing financing, procuring equipment, satisfying other pre-site preparation and installation CPG conditions, and installing the Project. PGAS expects installation to begin next summer.

WHEREFORE, Putney Green Acres Solar, LLC respectfully requests the Public Utility Commission to waive Rule 5.110(C) and grant an extension until September 1, 2024 to commission the 500 kW net-metered solar array authorized by CPG 21-0401-NMP.

By: 

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