



October 12, 2024

Case No. 24-2797-PET

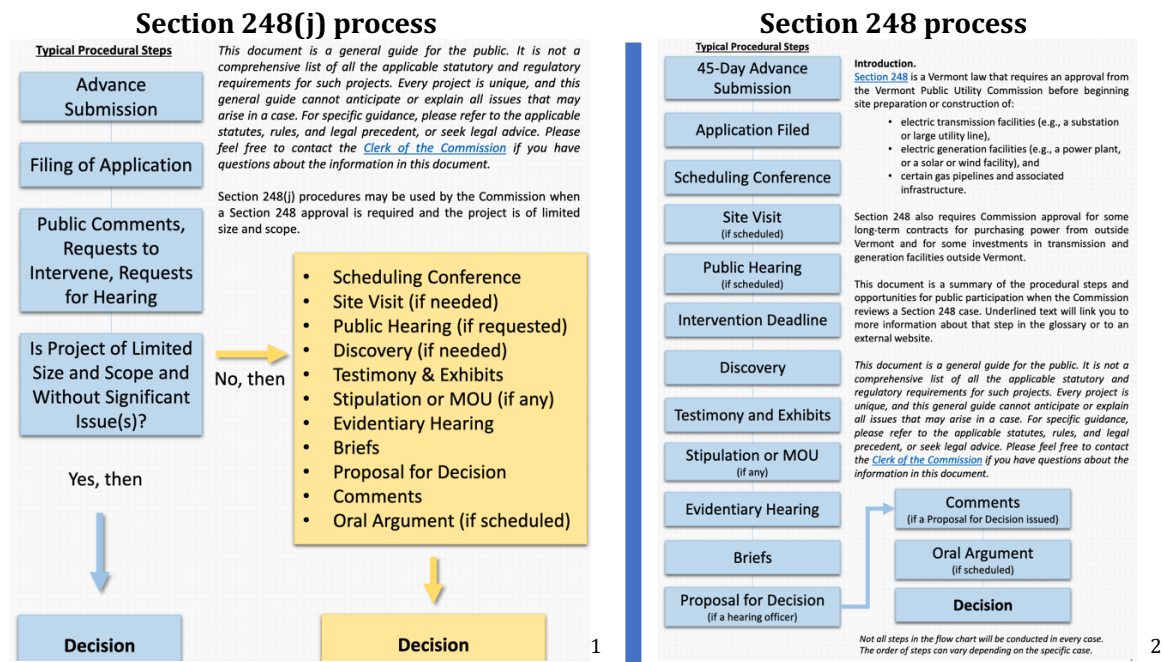
Dear Public Utility Commissioners,

Vermonters for a Clean Environment’s members have asked us to review the Petition filed by Vermont Renewable Gas LLC (doing business from a virtual office in Shelburne, Vermont). We offer the following comments after conducting our review.

**Section 248(j) and Section 248**

Petitioner has filed under Section 248(j). Public comments have highlighted the expedited process that minimizes public process, specifically public hearing. VCE has identified a substantive issue with the current status of the project as it has proceeded through the Section 248(j) process.

As shown in the process flow charts below, Section 248(j) allows only 30 days from Petition Completeness for Requests to Intervene. Section 248 allows for more public process, including a Scheduling Conference, Site Visit and Public Hearing, prior to the deadline for Requests to Intervene.



The result of Petitioner’s 248(j) filing request is that potential parties who have interests affected may have been foreclosed from participating to protect those interests. One Motion to Intervene was filed late because of learning about the project on the deadline date. The Department of Public Service supports the Section 248 process.

*VCE requests that the PUC require this Petition to go through the full Section 248 process, with a Scheduling Conference open to potential parties who have not yet intervened, followed by a Site Visit and Public Hearing, with a new deadline for Intervention following those events.*

**Has Community Outreach and Notification Been Adequate?**

The Project site is located in an Industrial Park. Petitioner identifies entities within the Industrial Park who support the project. However, one property changed hands and Petitioner does not indicate outreach to that entity. The Industrial Park contains commercial operations in addition to those mentioned in the Community Outreach section of Prefiled Testimony, but does not indicate the responses of those not mentioned. Corner Medical adjoining the Project Parcel to the North is not mentioned. The Daycare Center located within the Industrial Park to the south is mentioned, but their comments are not included.

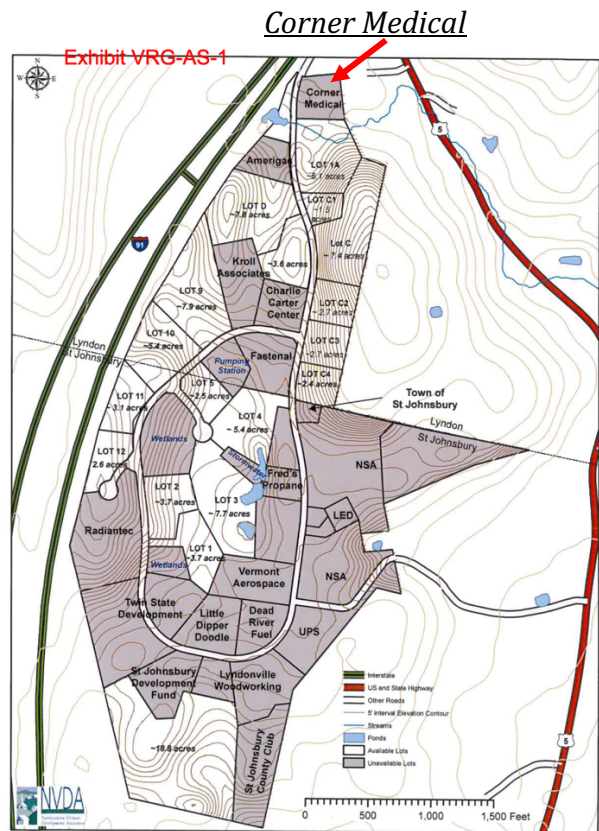
**SPAN: 369-114-11755**

Zoom to

The property at 1713 INDUSTRIAL PKWY in LYNDON is owned by NORTHEASTERN VT DEVELOPMENT ASSOCIATION. A property transfer has occurred for this parcel since the current statewide Grand List (2023) and ownership may have changed. See property transfer details below. Parcel geometry was last updated in 2024.

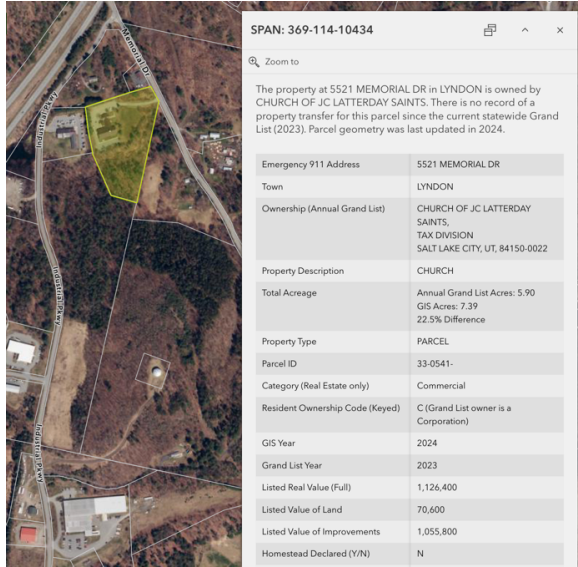
Emergency 911 Address	1713 INDUSTRIAL PKWY
Town	LYNDON
Ownership (Annual Grand List)	NORTHEASTERN VT DEVELOPMENT ASSOCIATION, PO BOX 630 ST JOHNSBURY, VT, 05819
Property Description	INDUSTRIAL BLD/INC 33-8990
Total Acreage	Annual Grand List Acres: 38.87 GIS Acres: 27.2 35.3% Difference
Property Type	PARCEL
Parcel ID	33-0621-
Category (Real Estate only)	Commercial
Resident Ownership Code (Keyed)	C (Grand List owner is a Corporation)
GIS Year	2024
Grand List Year	2023
Listed Real Value (Full)	739,600
Listed Value of Land	130,000
Listed Value of Improvements	609,600

*Project Parcel*

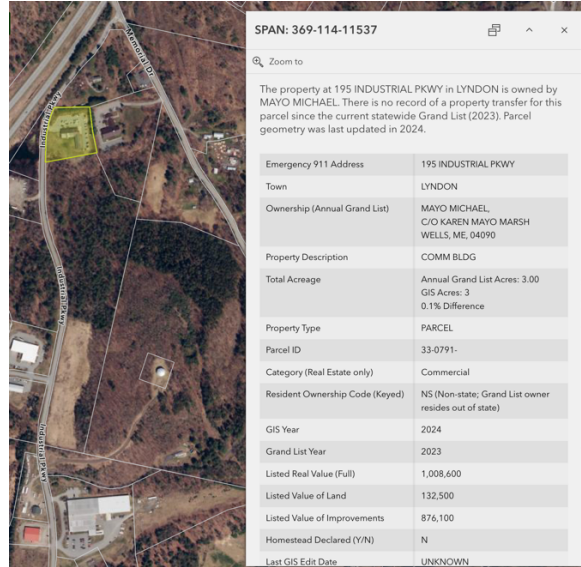


*Industrial Park*

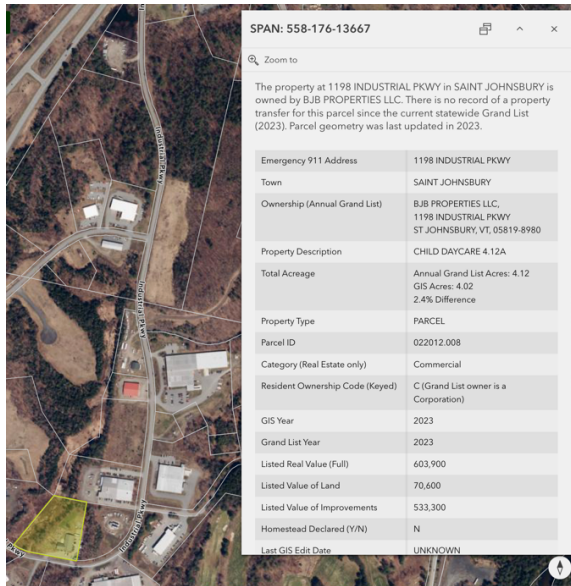
**Location and Distances from Project Site to Church, Medical Center, and DayCare Have Congregants, Patients and Parents been notified of the proposed Project?**



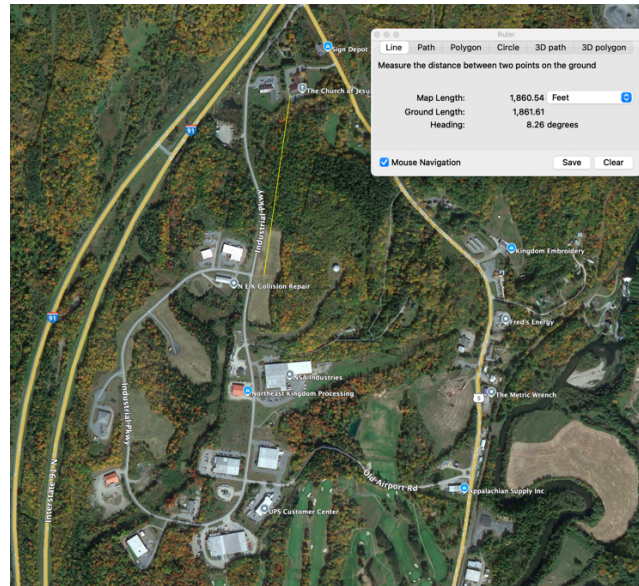
Church of Latter-day Saints<sup>3</sup>



Corner Medical<sup>4</sup>



Little Dippers Doodle DayCare<sup>5</sup>  
~2400 ft. From Project Site



Church and Medical Center are ~1850 ft. away

<sup>3</sup> <https://local.churchofjesuschrist.org/en/us/vt/lyndonville/5521-memorial-dr>

<sup>4</sup> <https://nvrh.org/corner-medical/>

<sup>5</sup> <https://www.ncic.org/little-dippers-doodle-childrens-center/>

<https://www.facebook.com/people/Little-Dippers-Doodle-Childrens-Center/100047640410157/>

**Lack of Sound Study**

Petitioner's Prefiled testimony of Evan Dell'Olio, August 26, 2024, Page 19 of 24 contains the only reference to noise in Petition materials:

The Project incorporates a fully enclosed and insulated generator room within the plant building to reduce ambient noise from the generator sets. After reviewing initial plans, the DEC did not require that a sound study be performed as part of environmental review of the Project.

VCE finds no reference to the referenced DEC opinion. We are not aware of DEC having a role in regulating sound.

The proposed electric generation plant involves three generators. VCE requests that the applicant be required to produce the specifications of those generators that include the decibel levels, and a sound study at the property line and nearest structures.

**Biomass Pyrolysis, Fire, Safety, Explosion, Emergency**

Biomass gasification for the production of electricity is a developing technology. The process is not without risks, as noted in this Dec. 2023 report

“the safety and stability of biomass gasification remain challenging and depend on several factors, such as the startup heating process, which can affect risks of fire, explosion, and toxic gas emissions.”<sup>6</sup>

VCE has reviewed Petitioner's Prefiled Testimony and find only one witness's reference to emergencies, specifically referring to emergency flaring. The Petition does not adequately address the potential risks and safety measure that will be implemented to protect the neighborhood.

**Conclusion**

VCE requests that the PUC conduct a scheduling hearing, site visit, and public hearing after which a new deadline is set for Intervention Requests. We recommend that further community outreach assures that people who congregate in the church, seek medical attention at the medical center, and bring children to the daycare center receive notice of the project. We further request that the PUC requires the Petitioner to submit a sound study and a risk assessment and emergency plan to address potential fires, explosions or toxic gas emissions.

Sincerely,  
*Annette Smith*  
Annette Smith  
Executive Director

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<sup>6</sup> <https://www.nature.com/articles/s41598-023-46801-w>