

**NH SB99 Energy Facility Siting Project
Coordinating Committee Meeting**

Wednesday, October 30 (1:30—4:00)
Location: NH PUC, Hearing Room B
21 South Fruit St, Concord

Meeting Notes

Attending:

- Meredith Hatfield, Brandy Chambers – OEP
- Rep. Suzanne Smith
- David Shulock, PUC
- Mike Fitzgerald, DES Air Resources
- Michael Wimsatt, DES Waste Management
- Doug Patch, Orr & Reno
- Susan Arnold, AMC
- Christophe Courchesne, CLF
- Jeff Hayes, North Country RPC
- Peter Roth, DOJ Public Counsel
- Janet Besser, New England Clean Energy Council

Unable to attend: Senator Jeanie Forrester

Welcome and Overview of Today's Meeting

Jonathon kicked off the meeting by explaining the timeline and procedure from here

- Very compressed timeline, a lot of important issues to discuss today

Overview of Research Papers

Purpose of the research is to inform decision-makers, stakeholders, and the public

- Multi-state review is a 'scan' of what's out there, not as deep as review of NH
- Noted that although funding is extremely important, it was hard to figure out for other states, not easily available.
 - Even for NH it's hard to find out, bills are never aggregated by project, there are just individual invoices sent.
- Wide range of staffing in other states

Team: Are these papers ready to go to the public? CC input included:

- Clarify whether the MA and VT environmental statutes are part of the state siting, or a different process.
- Description about Maine isn't quite right, isn't a state agency, it's an independent council, functions like a zoning board.
- Need to differentiate between public counsel vs. legal counsel to SEC.
- For NY, doesn't make clear where/to what body appeals are made.
- In general, could be clearer whether the criteria used by the siting bodies are regulatory or codified in statute.
- For NH, the paper characterizes the role of municipalities in the process as a problem, but that was really the whole point of the SEC (take burden off of towns, create one-stop place).

Overview of the Options Matrices

Do we have the most important challenges covered here, and do we have the best options listed?

Criteria Matrix:

- It was noted that there is no permit for wildlife currently in NH, is there a way to capture it in the matrix in a different section?
- There was a general consensus that the better characterization of the problem on the environmental category is that the criteria are not clear—to both the public and applicants
- Zoning and 'orderly development' is about a lot more than economics, it's about defining the nature of a community. The fact that the SEC tends to focus on economics is a result of what the applicants bring forward, not a statutory requirement.
- There should be a distinction between giving the committee resources to conduct their own research or requiring the applicant to bring more evidence.
- Use of term 'right of way' can be confusing—there are cleared and not cleared rights of way, important distinction
 - Even for those that are 'cleared', more distinctions can be made in terms of what capacity they are being used at.
- Status quo on Alternative Routes not quite right, SEC already does have to consider available alternatives
 - Better characterization of challenge is that there's no clear criteria on how to define 'alternative'

Process matrix

- On the delegation issue, important to differentiate between type of delegation being done, adjudicatory vs advisory staff
 - Need to be careful with word support—difference between factual analysis and advisory role
- Important to have some type of delegation option; perhaps the designation could be limited to certain other positions, e.g. Deputy Director
 - Challenge with delegation is that it can create a lack of consistency and institutional memory.
 - Having a dedicated professional staff could help with institutional memory as other members change.
- On opt-ins and determining which projects should be required to go before SEC, there's been discussion about whether it should be based on size or total impact
 - Maybe need some general language that gives SEC discretion to determine whether to hear a case.
 - Criteria for allowing opt-in is not clear currently, and if a small facility does opt in, it's held to the same standards as a large facility.
 - VT regulates everyone, but has different processes for projects with “minimal impact”
 - Would need clear criteria to define what an “impact” is, gets tricky.

Focus Groups & Workshops:

- Discussion of purposes of each (see slides)
- Locations, timing, outreach (see slides)

Next Steps:

- Any additional CC input on today's materials asap
- Next meetings:
 - 11/13 1:30 -4 at OEP – final review of workshop materials
 - 12/19 9:30-12 at OEP – final meeting, discussion of report due 12/31