

1 H.405

2 Introduced by Representative Cheney of Norwich

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; certificate of public good; anaerobic  
6 digesters; manure management

7 Statement of purpose of bill as introduced: This bill proposes to remove  
8 Public Service Board oversight of manure management for farm-based  
9 anaerobic digester systems.

10 An act relating to manure management and anaerobic digesters

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 30 V.S.A. § 248 is amended to read:~~

13 ~~§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND~~  
14 ~~FACILITIES; CERTIFICATE OF PUBLIC GOOD~~

15 ~~\* \* \*~~

16 ~~(q) A certificate under this section for an in-state farm-based anaerobic~~  
17 ~~digester system that generates electricity shall not regulate the on-farm~~  
18 ~~management of manure used to feed the digester.~~

19 Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

*Sec. 1. 30 V.S.A. § 248 is amended to read:*

*§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
FACILITIES; CERTIFICATE OF PUBLIC GOOD*

*\* \* \**

*(q)(1) A certificate under this section for a plant using methane derived from an agricultural operation shall be required only for the equipment used to generate electricity from biogas, the equipment used to refine biogas into natural gas, the structures housing such equipment used to generate electricity or refine biogas, and the interconnection to electric and natural gas distribution and transmission systems. ~~The certificate shall not be required for the methane digester, the digester influents and effluents, the buildings and equipment used to handle such influents and effluents, or the on-farm utilization of heat and exhaust produced by the generation of electricity. The certificate shall not be required for the methane digester, the digester influents and non-gas effluents, the buildings and equipment used to handle such influents and non-gas effluents, or the on-farm use of heat and exhaust produced by the generation of electricity, and these components shall not be subject to jurisdiction under this section.~~*

*(2) Notwithstanding 1 V.S.A. § 214 and Board Rule 5.408, if the Board issued a certificate to a plant using methane derived from an agricultural operation prior to July 1, 2013, such certificate shall require an amendment*

only when there is a substantial change, pursuant to Board Rule 5.408, to the equipment used to generate electricity from biogas, the equipment used to refine biogas into natural gas, the structures housing such equipment used to generate electricity or refine biogas, or the interconnection to electric and natural gas distribution and transmission systems. The Board's jurisdiction in any future proceedings concerning such a certificate shall be limited pursuant to subdivision (1) of this subsection.

(3) This subsection shall not affect the determination, under section 8005a of this title, of the price for a standard offer to a plant using methane derived from an agricultural operation.

(4) As used in this section, "biogas" means a gas resulting from the action of microorganisms on organic material such as manure or food processing waste.

*Sec. 2. EFFECTIVE DATE*

This act shall take effect on July 1, 2013.