

THE NEW HAMPSHIRE SITE EVALUATION COMMITTEE



AN INTRODUCTION TO THE
COMMITTEE AND ITS PROCESS

Site Evaluation Committee Website

WWW.NHSEC.NH.GOV

PURPOSE OF RSA 162-H

- Balance the benefits and impacts of site selection on the welfare of the population, private property, the location and growth of industry, the economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, natural resources and public health and safety.
- Avoid undue delay in the construction of new facilities.
- Full and timely consideration of environmental consequences.
- Full and complete public disclosure.
- Ensure that the construction and operation of energy facilities is treated as a significant aspect of land use planning in which all environmental, economic and technical issues are resolved in an integrated fashion.



Statewide Planning Board for Energy Projects

- Designed to integrate the various permitting processes as well as environmental, economic and technical issues.
- Pre-empts local authority and ordinances.
- The “supermarket theory” or “one stop” theory of permitting.

Site Evaluation Commission Membership

RSA162-H:3

Public Utilities Commission	3 Commissioners
Department of Environmental Services (DES)	Commissioner
Department of Transportation (DOT)	Commissioner
Department of Resources and Economic Development (DRED)	Commissioner
Department of Cultural Resources OR Division of Historical Resources	Commissioner Director
2 Public Members	➤ One must be an attorney ➤ Expertise
One Alternate Public Member	

The Committee Today

Position	Person
PUC Chairman	Martin P. Honigberg, Chairman
DES Commissioner	Thomas S Burack, Vice Chairman
PUC Commissioner	Robert Scott
PUC Commissioner	Kathryn M. Bailey
DOT Commissioner	Victoria Sheehan
DRED Commissioner	Jeffrey Rose
Cultural Resources Commissioner or Director Div. of Historical Resources	Van McCloud or Elizabeth Muzzey
Public Member	
Public Member	Patricia Weathersby, Esq.
Alternate Member	Rachel E.D. Whitaker

Antrim Wind Subcommittee

Robert Scott

PUC Commissioner
Designated as Chairman

Michael C. Ladam

PUC Director of Regulatory Innovation and Strategy
Designated by PUC Commissioner Kathryn M. Bailey

Jeffrey Rose

Commissioner
Department of Resources and Economic Development

Eugene Forbes

DES Water Division Director
Sitting for DES Commissioner Thomas Burack

Richard A Boisvert

State Archeologist
Sitting for DHR Director Elizabeth Muzzey

Public Member

Patricia Weathersby, Esq.

Public Member

COUNSEL TO THE PUBLIC

RSA 162-H:9

- **Appointed by the Attorney General**
- **Represents the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy**
- **All rights, responsibilities and privileges of an attorney representing a party in a formal action**
- **Antrim Wind Docket: Assistant Attorney General Mary E. Maloney**

SEC TIME FRAMES

Event	Timeframe
Pre-Application Public Information Session (in each county)	At least 30 days before filing
Chair forwards to agencies with jurisdiction	Expediently
Preliminary review by Committee	Expediently
Committee's determination if application is complete and acceptance if complete	Within 60 days of filing <i>(Antrim Wind: December 1, 2015)</i>
Designation of a Subcommittee	Upon acceptance of application
One Public Information Session (in each county)	Within 45 days after acceptance of application <i>(Antrim Wind: TODAY)</i>
One Joint Public Hearing (in each county) with other agencies	Within 90 days of acceptance of application <i>(Antrim Wind: By 2/29/2016)</i>
Agency preliminary reports with draft conditions	Within 150 days of acceptance of application <i>(Antrim Wind: 4/29/2016)</i>
Agency final decisions	Within 240 days of acceptance of application <i>(Antrim Wind: 7/28/2016)</i>
Adjudicative proceedings on the merits	After agency final decisions <i>(Antrim Wind: To Be Scheduled)</i>
Decision granting or denying Certificate	Within 365 days of acceptance of application <i>(Antrim Wind: 11/30/2016)</i>

ROLE OF STATE AGENCIES (RSA 162-H:7-a)

Agencies with “permitting or other regulatory authority”:

- Receive proposals or permit requests within the agency's permitting or other regulatory authority, expertise, or both; determine completeness of elements required for such agency's permitting or other programs; and report on such issues to the Committee;
- Review proposals or permit requests and submit recommended draft permit terms and conditions to the Committee;
- Identify issues of concern on the proposal or permit request or notify the Committee that the application raises no issues of concern;
- When issues of concern are identified by the agency or Committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members;
- If the Committee intends to impose certificate conditions that are different than those proposed by state agencies having permitting or other regulatory authority, the Committee shall promptly notify the agency or agencies in writing to seek confirmation that such conditions or rulings are in conformity with the laws and regulations applicable to the project and state whether the conditions or rulings are appropriate in light of the agency's statutory responsibilities. The notified state agencies shall respond to the Committee's request for confirmation as soon as possible, but no later than 10 calendar days from the date the agency or agencies receive the notification described above.

Before an Application is Filed

- *Independent System Operator (ISO)*
- *Environmental and Resource Studies*
- *Early pre-permitting meetings with relevant state and federal agencies, e.g., DES, F&G, USFW, USACE, PUC, DOT etc . . .*
- *Regional Planning Commission*
- *Municipalities*
- *Transmission companies*
- *Power Purchase Agreements*
- *Financing*
- *Eligibility for tax credits etc. . .*
- *Pre-Filing Public Information Sessions in Each County*

Requirements of an Application (1)

An application must contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law and shall include completed application forms for each agency. RSA 162-H:7, IV.

An Application shall also include the following:

Requirements of an Application (2)

RSA 162-H:7, V (a)-(h)

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.**
- (b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.**
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.**
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems**
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.**
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.**
- (g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.**
- (h) Provide such additional information as the committee may require to carry out the purposes of this chapter.**

New Administrative Rules

- ▶ Adopted and effective as of December 16, 2015
- ▶ Available on the Committee website at:
<http://www.nhsec.nh.gov/rules/index.htm>
- ▶ Site 301 – Requirements for Applications
- ▶ Rules specific to wind energy systems – *i.e.* sound studies; cumulative impacts *etc.*...
- ▶ Pending applications subject to the new rules.
- ▶ Applicant shall be afforded a reasonable opportunity to comply.

PUBLIC PARTICIPATION (1)

1. Counsel for the Public
 - (603) 271-3658 (Attorney General's Office)
2. Pre-Filing Public Information Sessions: one in each county at least 30 days before filing. RSA 162-H:10, I.
3. Post-Filing Public Information Sessions: one in each county within 45 days of acceptance of the application. RSA 162-H:10, I-a.
4. Post-Filing Joint Public Hearing: one in each county within 90 days of acceptance of the application. RSA 162-H:10, I-c.

PUBLIC PARTICIPATION (2)

5. Additional Informational Meetings - RSA 162-H:10, I-c:

- Upon request of the governing body of a municipality or unincorporated place in which the facility is proposed to be located; or,
- Upon request of the Committee

6. Written Public Comment

- Accepted throughout the pendency of all proceedings
- Committee must consider and weigh information and reports from the public.

PUBLIC PARTICIPATION (3)

7. Intervention in adjudicative proceeding

- Rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11.
- Interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11.

ANTRIM WIND

MOTIONS TO INTERVENE SHALL BE FILED BY JANUARY 15, 2016

Standards

RSA 162-H:16, IV

- ▶ Due consideration of relevant information regarding potential siting or routes of a proposed facility;
- ▶ Due consideration of significant impacts and benefits;
- ▶ Will the issuance of a certificate serve the objectives of RSA 162-H?

Findings Re: Proposed Site and Facility

RSA 162-H:16, IV (a)-(e)

- Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.
- Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.
- Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.
- Issuance of a certificate will serve the public interest.

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