

Site Evaluation Committee

The Site Evaluation Committee is responsible for issuing certificates to energy facilities such as natural gas pipelines and certain electric generating and transmission facilities. The Committee is also authorized to impose terms and conditions upon such certificates and to monitor the construction and operation of the certificated facilities.

The Site Evaluation Committee is comprised of the following members:

- The three Public Utilities Commissioners and the Chief Engineer of the Public Utilities Commission, the Chairman of the Public Utilities Commission is the vice-chair.
- The Commissioner of the [Department of Environmental Services](#) (or the Assistant Commissioner as designee) chairs the Committee.

- Other Committee members include:
 - the Director of the [Division of Water](#);
 - the Commissioner of the [Department of Resources and Economic Development](#) (or the Director of the Division of Economic Development as designee);
 - the Commissioner of the [Department of Health and Human Services](#) (or one of the 2 most senior administrators within the Department responsible for management of public health services as designee);
 - the Executive Director of the [Fish and Game Department](#);
 - the Director of the [Division of Parks and Recreation](#);
 - the Director of the [Division of Forests and Lands](#);
 - the Director of the [Division of Air Resources](#);
 - the Director of the [New Hampshire Office of Energy and Planning \(OEP\)](#) (or Deputy Director as designee); and
 - the Commissioner of the [Department of Transportation](#) (or Assistant Commissioner as designee)

More information about the Site Evaluation Committee can be found at [NH RSA Chapter 162-H](#) or by calling the New Hampshire Department of Environmental Services at 603-271-3503.

- [New Hampshire Site Evaluation Committee web site](#)

NEW HAMPSHIRE SITE EVALUATION COMMITTEE

New Hampshire, like many other states in New England and across the nation, is witnessing major changes in the way its energy supplies are generated, transmitted, and distributed in a deregulated marketplace. It is also attracting new capital investments in critical infrastructure and gaining access to new, long-term energy supplies that are needed to support such bulk power facilities located along the banks of the Piscataqua River estuary in Newington, New Hampshire



[Photo Description](#)

Photo Description changes. These large-scale projects create the potential to directly or indirectly impact virtually every citizen in the state. The introduction of major new energy facility proposals for a site or sites in New Hampshire presents the local community, the state, and often the New England region with fundamental impacts to the environment, energy supply, economy, and the public's health and welfare which must be carefully analyzed before proceeding. The impacts may be either positive or negative, temporary or permanent, or more commonly a combination of each. Since such major changes carry with them the potential to influence so many sectors of our daily life, a comprehensive, high-level approach geared toward "balancing" these impacts has been established to ensure that these new facilities are evaluated in the public's best interests, and that they are designed, built, and operated in a manner that will protect and preserve the high quality of life enjoyed by New Hampshire's residents and visitors alike.

As early as 1971, when a major new oil refinery was proposed for construction along New Hampshire's seacoast, the State legislature saw the need to establish such an overriding siting law to specify the manner in which the receipt and evaluation of those types of proposals would be considered. Consequently, it enacted RSA 162-F ("NH Electric Power Plant, Transmission Siting and Construction Procedure Act") and adopted its companion administrative rules, designated as CHAPTER Bul 100-401, to evaluate "bulk power facilities". The Hydro-Quebec Transmission System's 700-megawatt transmission line project and the Seabrook Nuclear Electric Power Generating Station were certificated through the procedures specified by RSA 162-F. During that same period, the legislature also enacted RSA CHAPTER 162-H ("NH Energy Facility Evaluation, Siting, Construction and Operations Act") and adopted its companion administrative rules, designated as CHAPTER Sec 100-301, to evaluate "energy facilities". One of the major proposals subjected to RSA 162-H requirements was the Champlain Gas Pipeline Company project during the late-1980's.

However, even though these projects were successfully brought to fruition using RSA 162-F and RSA 162-H procedures, it became clear through practical experience that improvements could be made to the timeframes, predictability, opportunities for public input, and clarity of purpose set forth by these laws. During the 1989 legislative session, the Energy Facility Siting, Licensing, and Operation Study Committee ("Energy Facility Committee") was created by vote on the basis of a recommendation by the State Electrical Energy Needs Planning Committee. As a result of its work, the Energy Facility Committee made recommendations through its published findings entitled, Report of the Energy Facility Siting, Licensing & Operation Study Committee of the New Hampshire General Court (August 30, 1990), to reorganize and redraft the existing laws and to create a "new" energy facility siting law (still to be designated as RSA 162-H) which consolidated the requirements to address both energy facilities and bulk power facilities. The Energy Facility Committee also recommended ways to speed up the selection process, increase the jurisdiction of a newly-created Site Evaluation Committee ("SEC"), decrease the time frame for processing, and remove restrictions on direct questioning by the public at informational hearings. The "new" RSA 162-F was redrafted solely to address the decommissioning requirements for nuclear electric power generating facilities that had reached the end of their useful design life.



[Photo Description](#)

The new RSA 162-H set threshold limits for determining the type and magnitude of proposals that must undergo such a comprehensive review, specified the membership composition of the SEC, established a new exemption procedure, created the Counsel for the Public role, set a nine-month time limit for the processing of energy facility applications and a ten-month time limit for the processing of bulk power facility applications, within which a final decision must be made. The SEC issues the *Certificate of Site and Facility* as the primary decisional instrument through which to regulate such energy facility development. Noteworthy in its declaration of purpose, the legislature recognized *that the selection of sites for energy facilities will have a significant impact upon the welfare of the population, the economic growth of the state and the environment of the state.* It further found *that the public interest requires that it is essential to maintain a balance between the environment and the possible need for new energy facilities in New Hampshire; that undue delay in construction of any needed facilities be avoided; and that the state 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* (RSA 162-H:1). Several legislative amendments have been added to the law since 1990 to refine its applicability in an era of increased competition and deregulation of the energy marketplace.

This siting law and its draft administrative rules, designated as TITLE Site ENERGY FACILITY SITE EVALUATION COMMITTEE, have been used to guide the review and evaluation process for such recent projects as the interstate Portland Natural Gas Transmission System/Maritimes & Northeast Pipeline Company project (1997-1999) and the Consolidated Edison of New York "Newington Energy", 525-megawatt, non-utility, natural-gas fired cogeneration power plant project (1998-2001) in Newington, New Hampshire. Since 1990, the SEC has also



[Photo Description](#)

received applications for new electric power transmission lines (as well as line upgrades), new natural gas pipelines (including lateral upgrades to existing pipelines), fuel storage and distribution facilities, and electric power generation plants (natural gas and oil-fired).

The SEC is constantly seeking new ways to improve the deliberative process for these energy facility proposals. To that end, this Web page was specifically created to serve as an education and outreach resource for those who are intending to site, construct, and operate energy facilities in New Hampshire. All pertinent information, data, and direction necessary to successfully address the requirements of RSA 162-H are posted and mentioned for that purpose. It was also created to provide parties who may be potentially affected by specific proposals with direct and timely access to meeting notices, procedural schedules, a means of contact with the Counsel for the Public and with members of the SEC, identification of participating State agencies, and access to key reports and important data sources. Finally, it was designed to supplement a key recommendation of the 1990 Energy Facility Committee which was to expand public participation by providing interested parties with the information needed to more effectively participate in public informational hearings, to determine how, when, and to whom direct testimony and reports should be submitted, and to prepare for cross-examination of witnesses at adversarial hearings. Through the ongoing use of this Web page, it is expected that company officials, agency representatives, attorneys, legislators, energy professionals, community organizations, concerned citizens, and other interested parties will benefit by becoming more informed participants in the proceedings of the SEC.

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