



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF LEGAL SERVICES
235 Promenade Street, 4th Floor, Providence, RI 02908-5767

401-222-6607

TDD 401-222-4462

FAX 401-222-3378

FIRST CLASS MAIL

June 13, 2017

Todd Anthony Bianco
Coordinator
Rhode Island Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

Re: Invenergy Thermal Development, LLC – Clear River Energy Center
Docket No. SB-2015-06

Dear Mr. Bianco:

Enclosed for filing in this matter are an original and 10 copies of Rhode Island Department of Environmental Management's Status Report to the Energy Facilities Siting Board.

Should you need any further information, do not hesitate to contact me at (401) 222-4700 ext. 2023. Thank you for your time and attention to this matter.

Best regards,

A handwritten signature in purple ink, appearing to read "Christina Hoefsmit".

Christina A. Hoefsmit, Esq.

enc: DEM Status Report

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC'S :
APPLICATION TO CONSTRUCT THE : DOCKET No. SB-2015-06
CLEAR RIVER ENERGY CENTER IN :
BURRILLVILLE, RHODE ISLAND :

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT STATUS UPDATE

On April 13, 2017, the Energy Facility Siting Board (“EFSB”) issued an order which, among other things, requested the Rhode Island Department of Environmental Management (“DEM”) to supplement its September 12, 2016, advisory opinion as well as address an additional question.¹ Specifically, the Order directed DEM to:

. . . supplement its advisory opinion to address any issues that it was unable to consider due to lack of information in its original advisory opinion, as well as the impacts of Invenergy’s water supply plan, and any other elements of the project – including new permit applications – that have been added, updated, or modified since its original advisory opinion was issued. DEM is also directed to identify and characterize the scope of the harm to the environment that this project would cause, and if it determines such harm to be unacceptable to provide a detailed explanation supporting that conclusion.²

Additionally, the EFSB ordered a status report of DEM’s progress by June 13, 2017.³ Pursuant to the Order, DEM provides this status report.

STATUS REPORT

DEM is diligently working on comparing the underlying data that was used to formulate its original advisory opinion with the information that is currently available to see which opinions, if any, have changed substantially. To that end, on May 26, 2017, DEM filed its fourth data request for information relevant to addressing the questions posed to DEM by the EFSB. DEM is awaiting

¹ EFSB Order No. 110. (issued April 13, 2017).

² *Id.*

³ *Id.*

responses to its fourth data request and that information will be incorporated to the extent the deadline allows after its receipt.


Below is an update on the status of permits that have been received by DEM:

- Major Source Air Permit – Invenergy’s Major Source Air Permit is contingent upon the issuance of a permit for modifications to the Algonquin Compressor Station which is currently under review. As a result of the modeling necessary to determine whether combined emissions of the area’s operating energy facilities are in compliance with the National Ambient Air Quality Standards, the Algonquin Compressor Station permit must issue first before the review and analysis of the Invenergy project can be completed. Within thirty (30) days of the issuance of the permit for the Algonquin Compressor Station modifications, DEM anticipates rendering a preliminary decision on the Invenergy permit.
- Onsite Wastewater Treatment System (“OWTS”) Permit – On March 8, 2017, Clear River Energy, LLC (“CRE”) filed an application for an Onsite Wastewater Treatment System Construction Permit with DEM. Upon completion of review DEM will prepare and issue its recommendations on the OWTS permit to the EFSB.
- Request to Alter Wetlands Application – on April 4, 2017, DEM received a Request to Alter Wetlands Application (the “Wetland Application”) for the Clear River Energy Center. The Wetland Application includes wetland alterations for both the Facility as well as the TENC Right of Way.⁴ Review of the site plans along with preliminary field review revealed that sufficient fixed reference points were not included in the site plans making field review difficult. DEM anticipates comments to the applicant on the Wetland Application to be forthcoming.
- Rhode Island Pollution Discharge Elimination (“RIPDES”) General Construction Permit – When proposed projects disturb greater than an acre the engineering review under RIPDES is the same as for a Wetlands Permit. As this project will disturb greater than an acre of property the Wetlands Application also serves as the RIPDES application. Should a permit to alter wetlands be issued it will include authorization to discharge under the RIPDES General Permit and other applicable terms and conditions.

It is anticipated that based on the revisions to the project and the water supply plan that several of DEM’s original responses will not substantially change and some of the questions posed to DEM are now moot. This analysis is ongoing.

⁴ The TNEC Right-of-way a/k/a the Burrillville Interconnection Project is the subject of a separate EFSB proceeding, SB-2017-01.

Respectfully submitted,
RHODE ISLAND DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
By its attorney,



Christina A. Hoefsmit, Esq. (No. 8979)
Office of Legal Services
235 Promenade St., Fourth Floor
Providence, RI 02908
401.222.6607/Fax: 401.222.3378
christina.hoefsmit@dem.ri.gov

Dated: June 13, 2017

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2017, I sent a true copy of the following to the Energy Facilities Siting Board via first class mail, postage pre-paid and electronic mail, and to the parties on the attached service list via electronic mail.



Christina A. Hoefsmit

SB-2015-06 Invenergy CREC Service List as of 05/26/2016

| Name/Address | E-mail | Phone/FAX |
|---|--|--------------|
| <p>File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning Parag Agrawal Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM</p> | Todd.Bianco@puc.ri.gov ; | 401-780-2106 |
| | Patricia.lucarelli@puc.ri.gov ; | |
| | Margaret.Curran@puc.ri.gov ; | |
| | janet.coit@dem.ri.gov ; | |
| | kimberly.Crabill@doa.ri.gov ; | |
| | susan.forcier@dem.ri.gov ; | |
| | rayna.maguire@dem.ri.gov ; | |
| | Parag.Agrawal@doa.ri.gov ; | |
| <p>Parties (Electronic Service Only, Unless by Request)</p> | | |
| <p>Invenergy Thermal Development LLC Alan Shoer, Esq. Richard Beretta, Esq. Elizabeth Noonan, Esq. Nicole Verdi, Esq. Adler, Pollock & Sheehan One Citizens Plaza, 8th Floor Providence, RI 02903</p> | ashoer@apslaw.com ; | 401-274-7200 |
| | rberetta@apslaw.com ; | |
| | enoonan@apslaw.com ; | |
| | nverdi@apslaw.com ; | |
| <p>John Niland, Dir. Of Business Development Tyrone Thomas, Esq., Asst. General Counsel Invenergy Thermal Development LLC One South Wacker Drive, Suite 1900 Chicago, IL 60600</p> | jniland@invenergyltc.com ; | 312-224-1400 |
| | Tthomas@invenergyltc.com ; | |
| <p>Town of Burrillville Michael McElroy, Esq., Special Counsel Leah Donaldson, Esq., Special Counsel Schacht & McElroy PO Box 6721 Providence, RI 02940-6721</p> | Michael@mcelroylawoffice.com ; | 401-351-4100 |
| | leah@mcelroylawoffice.com ; | |
| | Nikolyszyn@gmail.com ; | |
| <p>Oleg Nikolyszyn, Esq., Town Solicitor 155 South Main St., Suite 303 Providence, RI 02903</p> | | 401-474-4370 |
| <p>Conservation Law Foundation Jerry Elmer, Esq. Max Greene, Esq. 55 Dorrance Street Providence RI, 02903</p> | Jelmer@clf.org ; | 401-351-1102 |
| | Mgreene@clf.org ; | |
| <p>Ms. Bess B. Gorman, Esq. Assistant General Counsel and Director Legal Department, National Grid 40 Sylvan Road Waltham, MA 02451</p> | Bess.Gorman@nationalgrid.com ; | 781-907-1843 |

| | | |
|--|--|--------------|
| Office of Energy Resources Andrew Marcaccio, Esq. Nick Ucci, Chief of Staff Chris Kearns, Chief Program Development One Capitol Hill Providence, RI 02908 | Andrew.Marcaccio@doa.ri.gov ; | 401-222-3417 |
| | Nicholas.Ucci@energy.ri.gov ; | 401-574-9100 |
| | Christopher.Kearns@energy.ri.gov ; | |
| Rhode Island Building and Construction Trades Council Gregory Mancini, Esq. Sinapi Law Associates, Ltd. 2374 Post Road, Suite 201 Warwick, RI 02886 | gmancinilaw@gmail.com ; | 401-739-9690 |
| Residents of Wallum Lake Road, Pascoag, RI Dennis Sherman and Kathryn Sherman Christian Capizzo, Esq. Shechtman Halperin Savage, LLP 1080 Main Street Pawtucket, RI 02869 | ccapizzo@shslawfirm.com ; | 401-272-1400 |
| | kags8943@gmail.com ; | |
| Residents of Wallum Lake Road, Pascoag, RI Paul Bolduc and Mary Bolduc Joseph Keough Jr., Esq. 41 Mendon Avenue Pawtucket, RI 02861 Paul and Mary Bolduc 915 Wallum Lake Road Pascoag, RI 02859 | jkeoughjr@keoughsweeney.com ; | 401-724-3600 |
| | oatyssl@verizon.net ; | 401-529-0367 |
| Persons with pending motions to intervene (Electronic Service Only) | | |
| Abutter David B. Harris Michael Sendley, Esq. 600 Putnam Pike, St. 13 Greenville, RI 02828 | mSENDLEY@cox.net ; | 401-349-4405 |
| Residents of 945 Wallum Lake Road, Pascoag, RI (Walkers) Nicholas Gorham, Esq. P.O. Box 46 North Scituate, RI 02857 | nickgorham@gorhamlaw.com ; | 401-647-1400 |
| | edaigle4@gmail.com ; | |
| Interested Persons (Electronic Service Only) | | |
| Peter Nightingale, member Fossil Free Rhode Island 52 Nichols Road Kingston, RI 02881 | divest@fossilfreeri.org ; | 401-789-7649 |
| Sister Mary Pendergast, RSM 99 Fillmore Street Pawtucket, RI 02860 | mpendergast@mercycne.org ; | 401-724-2237 |

| | | |
|---|--|--------------------------|
| Patricia J. Fontes, member Occupy Providence 57 Lawton Foster Road South Hopkinton, RI 02833 | Patfontes167@gmail.com ; | 401-516-7678 |
| Burrillville Land Trust Marc Gertsacov, Esq. Law Offices of Ronald C. Markoff 144 Medway Street Providence, RI 02906 | marc@ronmarkoff.com ; | 401-272-9330 |
| Paul Roselli, President Burrillville Land Trust PO Box 506 Harrisville, RI 02830 | proseli@cox.net ; | 401-447-1560 |
| Rhode Island Progressive Democrats of America Andrew Aleman, Esq. 168 Elmgrove Avenue Providence, RI 02906 | andrew@andrewaleman.com ; | 401-429-6779 |
| Fighting Against Natural Gas and Burrillville Against Spectra Expansion Jillian Dubois, Esq. The Law Office of Jillian Dubois 91 Friendship Street, 4 th Floor Providence, RI 02903 | jillian.dubois.esq@gmail.com ; | 401-274-4591 |
| Burrillville Town Council c/o Louise Phaneuf, Town Clerk 105 Harrisville Main Street Harrisville, RI 02830 | lphaneuf@burrillville.org ; | 401-568-4300 |
| Thomas J. Kravitz, Town Planner Town of Burrillville 144 Harrisville Main Street Harrisville, RI 02830 | tkravitz@burrillville.org ; | 401-568-4300 |
| Joseph Raymond, Building Official | jraymond@burrillville.org ; | |
| Michael C. Wood, Town Manager Town of Burrillville 105 Harrisville Main Street Harrisville, RI 02830 | mewood@burrillville.org ; | 401-568-4300 ext. 115 |
| Mr. Leo Wold, Esq. Department of Attorney General 150 South Main Street Providence, RI 02903 | LWold@riag.ri.gov ; | 401-274-4400 |
| Public Utilities Commission Cynthia Wilson Frias, Esq., Dep. Chief of Legal Alan Nault, Rate Analyst | Cynthia.Wilsonfrias@puc.ri.gov ; | 401-941-4500 |
| | Alan.nault@puc.ri.gov ; | |
| Division of Public Utilities and Carriers | john.spirito@dpuc.ri.gov ; | 401-941-4500 |

| | | |
|---|--|--------------|
| John J. Spirito, Esq., Chief of Legal Steve Scialabba, Chief Accountant Tom Kogut, Chief of Information | steve.scialabba@dpuc.ri.gov ; thomas.kogut@dpuc.ri.gov ; | |
| Matthew Jerzyk, Deputy Legal Counsel Office of the Speaker of the House State House, Room 302 Providence RI, 02903 | mjerzyk@rilin.state.ri.us ; | 401-222-2466 |
| Hon. Cale Keable, Esq., Representative of Burrillville and Glocester | Cale.keable@gmail.com ; | 401-222-2258 |
| Nick Katkevich | nkatkevich@gmail.com ; | |
| Ambar Espinoza | aespinoza@ripr.org ; | |
| Joseph Bucci, Acting Administrator Highway and Bridge Maintenance Operations RI Department of Transportation | joseph.bucci@dot.ri.gov ; | |
| Jared Rhodes, Chief Statewide Planning Program | jared.rhodes@doa.ri.gov ; | |
| Jennifer Sternick Chief of Legal Services RI Department of Administration | Jennifer.sternick@doa.ri.gov ; | |
| Doug Gablinske, Executive Director TEC-RI | doug@tecri.org ; | |
| Tim Faulkner ecoRI News 111 Hope Street Providence, RI 02906 | tim@ecori.org ; | 401-330-6276 |
| Robert Tormey Conanicut Energy, LLC | rjtormey@conanicutenergy.com ; | 617-306-1601 |
| Sally Mendzela | salgalpal@hotmail.com ; | |
| Keep Burrillville Beautiful Paul LeFebvre | paul@acumenriskgroup.com ; | 401-714-4493 |
| Mark Baumer | everydayyeah@gmail.com ; | |
| Nisha Swinton Food & Water Watch New England | nswinton@fwwatch.org ; | |
| Kaitlin Kelliher | Kaitlin.kelliher@yahoo.com ; | |
| Joe Piconi, Jr. | jiggzy@hotmail.com ; | |
| Hon. Aaron Regunberg Representative of Providence, District 4 | Aaron.regunberg@gmail.com ; | |
| Paul Ernest | paulwernest@gmail.com ; | |
| Skip Carlson | scarlson@metrocast.net ; | |
| Kathryn Scaramella | kscaramella@outlook.com ; | |
| Diana Razzano | Dlrazzano13@verizon.net ; | |

| | | |
|----------------------------------|--|--|
| David Goldstein | tmdgroup@yahoo.com ; | |
| Douglas Jobling | djobling@cox.net ; | |
| Claudia Gorman | corkyh@gmail.com ; | |
| Curt Nordgaard | Curt.nordgaard@gmail.com ; | |
| Collee Joubert | Colleenj1@cox.net ; | |
| Matt Smith Food & Water Watch | msmith@fwwatch.org ; | |