

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 :

**SURREBUTTAL TESTIMONY OF DAVID M. HESSLER, P.E.,**  
**ON BEHALF OF THE TOWN OF BURRILLVILLE**

1 **Q. Please state your name and business address.**

2 A. My name is David M. Hessler. My business address is 3862 Clifton Manor Place,  
3 Haymarket, VA 20169.

4

5 **Q. On whose behalf are you testifying?**

6 A. I am testifying on behalf of the Town of Burrillville, Rhode Island as an expert witness in  
7 the field of acoustics and specifically on environmental noise issues related to the  
8 proposed Clear River Energy Center (CREC, or the Project).

9

10 **Q. What is the purpose of your surrebuttal testimony?**

11 A. To respond to the rebuttal testimony, filed on September 1, 2017, of Mr. Michael  
12 Hankard who is a witness for the Applicant, Invenergy Thermal Development, LCC, in  
13 the field of acoustics.

14

15 **Q. Have you reviewed the testimony of Mr. Hankard?**

16 A. Yes.

17

18 **Q. What aspect of his testimony are you responding to?**

19 A. In my original direct testimony I strongly recommended that stringent and readily  
20 available enforcement mechanisms were needed to ensure that the noise emissions from  
21 the Project remain fully compliant with the Town's Noise Ordinance limit of 43 dBA at  
22 the nearest residences at all times. Suggested mechanisms included fines, cease and  
23 desist orders, potential permit revocation, performance bonds and financial compensation

1 to neighbors in the event of non-compliance. Mr. Hankard asserts that all such provisions  
2 are unnecessary because the Project has already committed itself to meeting the Town's  
3 noise limit and will make that performance a contractual requirement for the engineering,  
4 procurement and construction (EPC) firm that actually builds the plant.

5  
6 **Q. Why aren't those assurances sufficient?**

7 A. While a sworn commitment and a contractual obligation on the part of the Project  
8 constructor are encouraging, the Town and any potentially affected residents are not a  
9 party to the agreement between Invenenergy and the EPC contractor and would not receive  
10 any kind of compensation if the noise aspect of the contract were not fulfilled. Moreover,  
11 it must be realized that this facility is being planned for a site that is immediately adjacent  
12 to the existing Enbridge (formerly Spectra Energy) Burrillville Gas Compressor Station,  
13 which has been producing noise levels that are inappropriately high for the rural  
14 residential setting that surrounds both sites for many years. Despite the on-going and  
15 bitter complaints that have been voiced about excessive compressor station noise by  
16 neighbors – the same neighbors potentially impacted by noise from the CREC facility -  
17 the Town has essentially been powerless to force the station owner to reduce the noise  
18 emissions from the facility because it is Federally regulated and was constructed prior to  
19 the adoption of the Town Noise Ordinance. Consequently, it is imperative with regard to  
20 the proposed CREC facility that the Town have enforcement mechanisms readily  
21 available, in conjunction with the State, to have firm control of the situation and prevent  
22 any further degradation of the local environment due to excessive noise.

23

1 **Q. Why are you so concerned that the Ordinance noise limit might not be met and**  
2 **enforcement action may be needed?**

3 I'm concerned because the proposed facility uses air cooled condensers (ACC's) to re-  
4 liquefy the steam turbine exhaust. As I pointed out in my direct testimony, this type of  
5 condensing system is prone to very high transient noise levels when the plant starts up or  
6 shuts down, or more specifically when facility's steam production is routed around the  
7 steam turbine in a mode of operation referred to as bypass. My experience witnessing  
8 and testing the sound emissions of combined cycle plants with ACC's during bypass,  
9 including recent measurements at two new projects employing low noise bypass valves  
10 essentially similar to those planned for the CREC, is that the actual noise emissions  
11 generated during bypass operation have always exceeded the valve manufacturer's  
12 calculated performance and/or noise guarantees. Consequently, I suspect that the sound  
13 emissions from the CREC facility during bypass may be louder than the Applicant  
14 currently anticipates, since my understanding is that the current model projections are  
15 based on the valve supplier's guaranteed sound levels.

16  
17 **Q. Is there any other reason why your recommended enforcement mechanisms should**  
18 **not be waived?**

19 A. If the Applicant is 100% confident that the noise emissions from the Project will  
20 consistently comply with the Town Ordinance noise limit, then the mere existence of  
21 potential financial penalties or permit restrictions should not matter at all.

22  
23 **Q. Does this conclude your testimony?**

1 A. Yes.