

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 :

PREFILED DIRECT TESTIMONY OF JOHN F. PACHECO III,
PRESIDENT OF THE BURRILLVILLE TOWN COUNCIL,
ON BEHALF OF THE TOWN OF BURRILLVILLE

SUMMARY

John F. Pacheco, III, is the President of the Burrillville Town Council. Mr. Pacheco testifies that the Town Council is unanimously and unequivocally opposed to Invenenergy Thermal Development LLC's application to site and construct the Clear River Energy Center in Burrillville, Rhode Island. Mr. Pacheco testifies that his opinion, the overwhelming opinion of the residents of the Town, and the unanimous view of the Town Council itself, is that the proposed power plant would cause unacceptable harm to the Town, its environment, its socio-economic fabric, and its residents. He also testifies that the results of the investigations and advisory opinions issued by the Town's Planning Board, Zoning Board, Building Inspector, and Tax Assessor demonstrate that the Energy Facility Siting Board should reject the application. Mr. Pacheco testifies about the reasons for the decision reached by the Town Council to oppose the proposed CREC. He also testifies that 32 Rhode Island municipalities have passed resolutions opposing the Clear River Energy Center. Mr. Pacheco further testifies that the small benefit of 1% to 2% a potential electric rate savings is greatly outweighed by significant unacceptable harms to the Town, the state, and their residents.

1 **Q. Please identify yourself.**

2 A. My name is John F. Pacheco III. I am the President of the Burrillville Town Council. I
3 have been a resident of the Town of Burrillville (“Town”) for 27 years. I have been on
4 the Town Council since 2012, and I have been the President of the Town Council since
5 2014.

6
7 **Q. What is the purpose of this testimony?**

8 A. The purpose of this testimony is to ask the Energy Facility Siting Board (“EFSB”) to
9 unequivocally reject the application of Invenergy Thermal Development, LLC to site and
10 construct the Clear River Energy Center (“CREC”) in Burrillville, Rhode Island. It is the
11 strongly held opinion of most of the residents in the Town, and the unanimous opinion of
12 the Town Council itself, that the proposed power plant would cause unacceptable harm to
13 the Town, its environment, its socioeconomic fabric, and its residents.

14
15 Although the Town recognizes the possibility of tax revenues, small rate savings,
16 construction jobs, and some permanent jobs that could be generated by the proposed
17 facility, the Town is of the strongly held opinion that those benefits are greatly
18 outweighed by the unacceptable burdens this power plant would impose on the Town and
19 the state. The Town Council has received support from 31 municipalities in Rhode Island
20 that have passed resolutions in opposition to the facility. (A set of all resolutions
21 opposing the project was previously filed with the EFSB by our legal counsel, and I adopt
22 those resolutions by reference.)

23

1 **Q. Please describe the area surrounding the site for the proposed CREC project.**

2 A. The site for the proposed power plant is located off Wallum Lake Road in the Town of
3 Burrillville. In the immediate vicinity of the site are numerous state forests and
4 recreational lands, including:

- 5 • Buck Hill Management Area,
- 6 • George Washington Management Area,
- 7 • Pulaski Memorial State Park and Recreational Area,
- 8 • Douglas State Forest,
- 9 • Round Top Management Area, and
- 10 • Black Hut Management Area.

11 In addition, there are numerous bodies of water close by, including:

- 12 • Wilson's Reservoir,
- 13 • Cedar Swamp Pond,
- 14 • Wakefield Pond,
- 15 • Round Lake,
- 16 • Wallum Lake,
- 17 • Pascoag Reservoir/Echo Lake,
- 18 • Pulaski Pond,
- 19 • Bowdish Reservoir, and
- 20 • Lake Washington.

21 While the immediate surroundings of the proposed site are forested, there are also
22 sensitive facilities nearby, including:

- Eleanor Slater Hospital - Zambarano Unit (providing long-term acute care for patients with complex medical and psychiatric needs), and
- Narragansett Council's Boy Scout Reservation (providing Boy Scouts and Cub Scouts day events, overnight events and summer camp).

Q. Has this site been evaluated for a similar power plant project in the past?

A. Yes. In 1988, when Ocean State Power sought approval from the EFSB for the power plant that now stands in Burrillville, this proposed CREC site was one of Ocean State Power's "alternative sites." At that time, it was referred to as the Buck Hill Road site. During that proceeding, the EFSB requested that the Federal Energy Regulatory Commission conduct a formal environmental impact review.¹

Although the FERC review found that the Buck Hill site was one of the three least expensive sites overall, it was ultimately rejected as the site for the Ocean State Power plant. The environmental review found that the site was adjacent to the Pulaski Wildlife Refuge, Pulaski State Park, Pulaski Memorial Forest, Buck Hill Management Area, and Zambarano Hospital. The report also noted narrow roads with numerous curves, and that increased traffic would be noticeable to local residents. The report found the proposed power plant to be inconsistent and incompatible with the recreational activities available at Pulaski State Park.

¹ The Final Environmental Impact Review can be found online in two volumes at:
https://energy.gov/sites/prod/files/2015/04/f22/EIS-0140-FEIS-Volume_1.pdf
https://energy.gov/sites/prod/files/2015/04/f22/EIS-0140-FEIS-Volume_2.pdf

1 **Q. What has been the Town's role in this matter to date?**

2 A. When the Town Council first learned about this application before the EFSB, it
3 authorized its attorneys to intervene in the matter to represent the Town's interests.
4 During the initial EFSB process, the Town Council remained neutral regarding the
5 project in order to investigate the project and obtain facts about the project. These facts
6 were obtained, disclosed to the Town's residents, and used by the Town's Planning
7 Board, Zoning Board, Building Inspector, and Tax Assessor to render their Advisory
8 Opinions to the EFSB. The Town's attorneys, working with many expert consultants
9 hired by the Town at substantial expense, issued over 300 data requests to Invenergy,
10 exploring various issues. These issues included, but were not limited to: air, ammonia,
11 capacity supply obligations, construction, consultant assumptions, decommissioning,
12 diesel fuel, environment, explosions, financing, hydrogen, land options, location,
13 mitigation, noise, operations, process water, property values, renewables, security, smoke
14 stacks, storm water, traffic, waste water, and wetlands.

15
16 **Q. Does the Town have an opinion regarding whether there is a need for the proposed
17 power plant?**

18 A. The Town believes the CREC facility is not needed and should not be approved.
19 Following a detailed review of available data, our expert consultant Glenn C. Walker
20 determined there is no need for a 1,000 MW power plant in our region. Invenergy has a
21 capacity supply obligation ("CSO") of only 485 MW for the first unit. A CSO for the
22 second unit has been rejected by ISO-NE two years in a row. There is no reason to expect
23 that ISO-NE will award a CSO for the entire plant in the future. Renewables and energy
24 efficiency programs significantly reduce the likelihood that ISO-NE will award a CSO to

1 any new fossil fuel plant. Mr. Walker and the Town strongly believe that the proposed
2 facility is not justified by long term state and/or regional energy needs and that there are
3 cost effective efficiency and conservation opportunities that provide adequate alternatives
4 to this harmful facility.

5
6 **Q. What areas of concern have been identified by the Town?**

7 A. The Town's expert consultants were asked to review Invenergy's EFSB application,
8 together with Invenergy's responses to the Town's data requests, and provide their
9 analysis to the Town.

10
11 After detailed analysis, the Town's expert consultants concluded that, if built, the CREC
12 project would cause unacceptable harm to the Town, its environment, its socioeconomic
13 fabric, and its residents, including, but not limited to, the following:

- 14 • Huge increases in air pollution, including the generation of CO₂ emissions of
15 approximately 7.2 billion pounds per year, as well as hundreds of thousands of
16 pounds of various toxic emissions per year;
- 17 • Unacceptable risks to the community from the transportation, storage, and use of
18 ammonia, hydrogen, diesel fuel, and water;
- 19 • Unacceptable increases in noise, especially during construction;
- 20 • Unacceptable increases in dangers associated with large truck traffic on
21 Burrillville's small, winding rural roads;
- 22 • Potential harmful effects to Burrillville's water aquifer, which supports
23 Burrillville's wells;
- 24 • Destruction of many acres of prime forest land and wildlife habitat;

- 1 • Destruction of many acres of wetlands;
- 2 • Devaluation of homes in the immediate vicinity of the facility and on the
- 3 transportation route, especially during construction;
- 4 • Potential toxic releases of ammonia;
- 5 • Potential release, fire and explosion hazards associated with compressed
- 6 hydrogen;
- 7 • Potential spills and releases of fuel oil;
- 8 • Potential releases and catastrophic events involving large amounts of natural gas
- 9 used at the facility.

10

11 **Q. How did the Town Advisory Agencies handle the matter?**

12 A. It was important to the Town Council that the Town’s Planning Board, Zoning Board,

13 Building Inspector, and Tax Assessor be allowed to independently conduct their

14 investigation into the proposed power plant and to render their Advisory Opinions to the

15 EFSB without any influence from the Town Council. This is a primary reason the Town

16 Council remained neutral during the initial stages of the EFSB process. The Town

17 Council awaited responses to our data requests from Invenergy, expert evaluations from

18 our consultants, and formal Advisory Opinions from the Town Advisory Agencies before

19 making our recommendation to the EFSB.

20

21 **Q. What was the result of the investigation conducted by the Town Planning Board?**

22 A. At the request of the EFSB, the Planning Board conducted its usual investigatory and

23 hearing process. The Planning Board held a number of public meetings at which it

24 received expert testimony and public comment. Expert testimony was received from

1 experts for Invenergy, as well as experts for the Town. Public input was received from
2 Burrillville residents, who were overwhelming in their opposition to the proposed power
3 plant.

4
5 The Planning Board asked Invenergy if it would be willing to post a performance bond or
6 other financial security that would provide security to the Town in the event Invenergy
7 was unable to meet the requirements of the Town's noise ordinance. Invenergy refused
8 to do so.

9
10 The Planning Board asked Invenergy if it would be willing to commit to redesigning and
11 rebuilding the inadequate Church Street / High Street intersection to make it possible for
12 large trucks to safely pass through the intersection. Invenergy refused to commit to
13 rebuilding the intersection.

14
15 The Planning Board (with one member recused and one member absent) unanimously
16 voted to advise the EFSB that the proposed power plant would be a land use that would
17 be inconsistent with Burrillville's Comprehensive Plan and would be inconsistent with
18 the Rhode Island Comprehensive Planning and Land Use Regulation Act.

19
20 One important fact discovered during the Planning Board hearings was that Invenergy
21 had been unable to identify a water supply source at the time of the hearings.
22 Invenergy's refusal (or inability) to identify a water source for evaluation by the Town
23 and its consultants meant that the Town and its expert consultants and Advisory Agencies
24 were not able to fully evaluate the power plant proposal. Following the submission of

1 Invenergy’s new water supply proposal, the Town Planning Board was not asked by the
2 EFSB to supplement its advisory opinion. Therefore, we do not have the benefit of the
3 Planning Board’s expertise as to whether the revised water plan would comport with the
4 Town’s Comprehensive Plan.

5
6 The Town Council agrees with and adopts the Planning Board’s opinion.

7
8 **Q. Did the Planning Board request that the EFSB impose conditions in the event the**
9 **EFSB decided to permit the plant?**

10 A. Yes. While the Planning Board was unanimous in its rejection of the Invenergy proposal,
11 not knowing whether the EFSB might ultimately force the proposal on the Town, the
12 Planning Board asked the EFSB to impose numerous conditions in the event the plant
13 was approved, despite the Town’s opposition.

14
15 **Q. What action did the Burrillville Zoning Board take?**

16 A. The Zoning Board followed its usual statutory process and unanimously voted to advise
17 the EFSB that the proposed power plant would not meet the requirements of Burrillville’s
18 zoning ordinance and that no special use permit or variance should be granted. The
19 Zoning Board came to this conclusion after a number of public hearings, including
20 testimony from expert witnesses for Invenergy and the Town, and testimony from the
21 public.

22
23 The Zoning Board specifically found that the proposed plant would disrupt the general
24 characteristics of the community, would not be harmonious with the environment, and

1 would not be for the convenience and welfare of the public, but would only serve the
2 profit motives of Invenergy.

3
4 The Zoning Board's advisory opinion was submitted prior to Invenergy's revised water
5 plan, and no supplemental advisory opinion was requested by the EFSB from the Zoning
6 Board. Therefore, the Zoning Board was not able to consider any additional potential
7 harm associated with Invenergy's revised water plan.

8
9 The Town Council agrees with and adopts the Zoning Board's opinion.

10
11 **Q. What action did the Building Inspector take?**

12 A. Responding to the directive from the EFSB to issue an Advisory Opinion, the Building
13 Inspector informed the EFSB that the proposed power plant would be subject to
14 Burrillville's Erosion and Sediment Control Ordinance, but that Invenergy had not at the
15 time submitted an erosion and sediment control plan. The Building Inspector also stated
16 that the proposed facility would not be in compliance with the Town's Zoning Ordinance
17 and that Invenergy had not requested the correct relief from the Town's Zoning
18 Ordinance, including the Town's Aquifer Overlay Zone requirements and a use variance.

19
20 The Building Inspector is in the process of evaluating Invenergy's revised water plan and
21 is expected to submit a supplemental advisory opinion on or before August 15, 2017.
22 Joseph Raymond, Building Inspector for the Town, will testify about his advisory opinion
23 and the supplemental advisory opinion in more detail.

1 The Town Council agrees with and adopts the Building Inspector's advisory opinion.

2
3 **Q. What action did the Tax Assessor take?**

4 A. The EFSB asked our Tax Assessor to render an opinion on possible adverse effects on
5 property values in the Town. The Tax Assessor hired a consultant (appraiser Glenn
6 Walker) to prepare an opinion, which the Assessor adopted as her Advisory Opinion to
7 the EFSB. That Opinion concluded that (1) based on a large-scale study conducted on
8 power plants, the negative impact on property values could be in the 3% to 7% range, and
9 (2) residential properties directly across the street from the proposed facility's entrance
10 would experience lower marketability and potential impact to their market values during
11 the construction phase.

12
13 The Town Council agrees with and adopts the Tax Assessor's opinion.

14
15 **Q. What action did the Town's Conservation Commission take?**

16 A. The Burrillville Conservation Commission is a municipally-funded organization that
17 focuses on local conservation of resources within the Burrillville community. The
18 Conservation Commission conducted a thorough review of the application and set forth
19 their detailed input in a letter to the Town Council on January 28, 2016. (See attached
20 Exhibit A.) The Conservation Commission filed a submission with the EFSB on March
21 31, 2016, listing shortcomings it found within Invenergy's application and subsequent
22 filings. (See attached Exhibit B.) On August 1, 2016, the Conservation Commission
23 submitted additional concerns to the Public Utilities Commission. (See attached Exhibit
24 C.)

1 For example, the Conservation Commission addressed the impacts that truck traffic
2 would have on the Town. In addition to the sheer number of trucks required to constantly
3 deliver the necessary ammonia, hydrogen, diesel fuel, and water, the Conservation
4 Commission stressed the risks of accidents on a rural roadway network that is not
5 designed to accommodate large trailer trucks and tankers, especially during winter. The
6 Conservation Commission was also concerned with damage to our roads for the next 20
7 years, and the cost of fixing the damaged roads.

8
9 The Conservation Commission also expressed concerns related to lack of sufficient
10 information to determine the impacts of the project. For example, using only a regional
11 approach to discuss air pollution is insufficient. The impacts to air quality to the Town
12 and immediately adjacent areas must be addressed. The Conservation Commission was
13 similarly concerned about the lack of information related to water pollution, traffic
14 impacts, expansion of the electric grid corridor, impacts to groundwater, hazardous
15 chemicals, noise, biodiversity impacts, and impacts to local property owners.

16
17 **Q. Were the Town's Planning Board, Zoning Board, and Building Inspector provided**
18 **all information necessary to prepare their advisory opinions to the EFSB?**

19 A. No. As stated in the advisory opinions of each of the above agencies of the Town,
20 Invenergy failed to supply our agencies with information necessary to properly evaluate
21 CREC. Therefore, the agencies were denied the opportunity to fully weigh and evaluate
22 the CREC proposal, and were forced to render advisory opinions that were based upon
23 incomplete information provided to them by Invenergy.

1 **Q. In addition to input from the Planning Board, the Zoning Board, the Building**
2 **Inspector, and the Tax Assessor, what other input has the Town Council received**
3 **and considered?**

4 A. The Town Council has received extensive, articulate, and impassioned public input
5 during the public comment periods of many Town Council meetings. The public input
6 was overwhelmingly in opposition to siting this power plant in Burrillville.

7
8 **Q. But isn't Burrillville already the home of the Ocean State Power combined cycle 560**
9 **MW plant and the Spectra/Algonquin compressor station?**

10 A. Yes, and Burrillville feels that it has already done more than its fair share to assist the
11 State of Rhode Island in regard to meeting its electric and gas energy needs. Burrillville
12 has been the home of the Ocean State Power 560 MW facility for over 25 years (since
13 1990). It has also been the home of the Spectra/Algonquin natural gas compressor station
14 for 55 years (since 1961).

15
16 The Spectra/Algonquin compressor station consists of multiple reciprocating engines
17 totaling tens of thousands horse power. This compressor station is located on the same
18 property on which Invenergy proposes to construct its power plant. This compressor
19 station already generates disturbing noise and significant air emissions. It also poses
20 risks of explosion, fire, gas leaks, etc. The burdens of locating another power plant,
21 nearly twice the size of Ocean State Power and immediately adjacent to the
22 Spectra/Algonquin compressor station, should not be imposed on our small, rural Town.

23

1 **Q. Why does the Town so strongly oppose the siting of CREC in Burrillville?**

2 A. We, the representatives of the Town, as Town Council, individually and collectively,
3 have heard loud and clear from our constituents over the past 21 months regarding their
4 many concerns related to the CREC project. Constituents have expressed concern about
5 the concrete ways in which the CREC project will disrupt their way of life, as well as fear
6 of catastrophic consequences that could result if an accident occurred at, near, or related
7 to the facility.

8

9 **Q. You have testified that constituents have expressed their concerns about the**
10 **concrete ways in which the CREC project will disrupt their way of life. Please**
11 **describe these concerns.**

12 A. The rural nature of our community is based upon keeping the environment in as pristine
13 condition as possible. As a result, not only our residents, but many visitors come to our
14 community to enjoy the bountiful natural resources, such as, the lakes, rivers, forest, and
15 wildlife. This project would be located in an undisturbed forest, adversely impacting its
16 very diverse wildlife. This project and its proposed roadway would result in direct
17 impacts to the very nature of our community, as well as to the habitat for our
18 community's wildlife.

19

20 The project would create unacceptable increases in noise, especially during construction.
21 David M. Hessler, P.E., has extensive experience with power plant acoustics, and will
22 testify about increased noise from the project, the Town's noise ordinance limit of 43
23 dBA or less at the nearest noise sensitive area, noise limit testing, and suggested penalties
24 for noncompliance (and requested financial assurance).

1 Increase in truck traffic on our winding rural roads and the resulting pavement
2 deterioration is a major concern. Invenergy's refusal to agree to pay to modify the
3 intersection of Church Street and High Street to ensure the safe travel of large vehicles is
4 particularly troubling. James W. Coogan, P.E., will testify regarding traffic issues in more
5 detail.

6
7 The proposed project would also have a significant adverse effect on the air quality in
8 and around the Town. Eric Epner, P.E., will testify about the decline in air quality due to
9 facility emissions in more detail.

10
11 The CREC project would adversely affect wetlands and storm water management for the
12 surrounding area. James A. Jackson will testify about these issues in more detail.

13
14 **Q. You have testified that constituents have expressed their concern regarding**
15 **catastrophic consequences that could result if an accident occurred at, near, or**
16 **related to the facility. Please describe these concerns.**

17 **A.** I understand that Invenergy has proposed taking precautions against the happening of an
18 accident, and minimizing the potential harm to the residents and the environment,
19 however, those assumptions of an accident happening are being minimized. Specifically,
20 I refer to the many industrial accidents that have occurred throughout the country when
21 gas lines rupture, ammonia escapes, compressor stations explode, and large trucks
22 carrying hazardous materials crash, despite best practices utilized by the industry.

23

1 **Q. Is the Town concerned about the hazards and possible consequences of the release**
2 **of hazardous materials?**

3 A. Yes. The Town is very concerned about the possibility of hazardous materials being
4 released, whether it is natural gas, ammonia, compressed hydrogen or fuel being stored or
5 transported. Thomas Hevner, Jr., will testify regarding the storage and potential release
6 of ammonia, hydrogen, and other hazardous materials in more detail.

7
8 Our Town has an all-volunteer fire department and a small police force. In the event of
9 such a catastrophe, having written guidelines prepared by Invenergy and given to the
10 Town is totally insufficient. We believe there should be an on-site, 24-hour response
11 team stationed at Invenergy's expense if the plant is approved. There should also be
12 specialized training, at Invenergy's expense, for all emergency responders in our Town as
13 well as any surrounding municipalities that would be called upon to assist in a large-scale
14 emergency related to the facility.

15
16 **Q. Is the Town concerned about toxic air emissions from the proposed power plant?**

17 A. Yes. Invenergy's filings show that billions of pounds of air emissions will be released
18 from the facility if it is approved. For example, CREC would emit over 7 billion pounds
19 of carbon dioxide into the air annually, which results in over 144 billion pounds of carbon
20 dioxide released over a 20-year period. Carbon dioxide is known to trap heat in the
21 atmosphere and contribute to climate change. CREC would also emit over 570,000
22 pounds of total nitrogen oxides per year, resulting in over 11 million pounds of nitrogen
23 oxides released over a 20-year period. Nitrogen oxide is known to contribute to asthma
24 and respiratory infections. Similarly, CREC would emit over 475,000 pounds of

1 poisonous carbon monoxide annually, resulting in over 9.5 million pounds of carbon
2 monoxide released over a 20-year period. Carbon monoxide is known to reduce oxygen
3 to the heart. These are just a few of the myriad of toxic air emissions that would directly
4 result from the proposed facility. There will also be significant toxic air emissions
5 emitted from the fleet of large diesel trucks that would be constantly serving the proposed
6 facility both during and after construction.

7
8 **Q. The EPA sets limits for air emissions. Aren't air emissions safe as long as they are**
9 **within the EPA's limits?**

10 A. It defies common sense to me that such a massive amount of toxic air emissions could be
11 "safe" for our Town, our state, and our residents.

12
13 As we know, safety standards set by the federal government cannot be relied upon to
14 definitively determine whether a product or practice is safe. This occurs for many
15 reasons, including but not limited to, resistance from affected industries against being
16 regulated, combined with limited information related to the effects of the product or
17 practice available at any given time. As science advances, so too does the available
18 knowledge about potentially dangerous effects.

19
20 Many substances originally considered safe by the federal government, were later found
21 to cause significant harm, including the drug diethylstilbestrol ("DES") and lead paint.

1 DES was approved by the federal government and considered safe. After almost 25 years
2 of use, the FDA finally withdrew its approval after DES was proven to cause vaginal
3 cancer in girls and young women who were exposed to it.

4
5 Regarding lead paint, for many years chemists employed by the federal government
6 consistently recommended the use of lead paint. Laws banning the use of lead house
7 paint in the U.S. were eventually passed in 1971, but the ban was phased in over time, so
8 lead paint was not fully banned until 1978. Effects of chronic lead poisoning include
9 learning disabilities, behavioral problems, loss of coordination, and memory loss.

10
11 The dangers of lead paint exposure were known but public health officials said it was not
12 harmful for adults and children to be exposed to lead on a daily basis, as long as blood
13 lead levels (BLLs) were not above “unsafe” levels. Over time the safe exposure level was
14 gradually reduced with newly discovered information. Now it is believed there is no
15 “safe” amount of lead exposure, especially for children.

16
17 Therefore, it is my belief that, despite the EPA’s assurances that there can be “safe”
18 levels of toxic air emissions from CREC, governmental standards are not a guarantee that
19 such emissions will not cause harm, possibly significant harm, to the environment, to the
20 residents of this Town and to the state. It simply does not make sense to me that breathing
21 nitrogen oxides, carbon monoxide, particulate matter, volatile organic compounds, etc. do
22 not present a significant health risk. Burrillville is already burdened with the toxic air
23 emissions from the Ocean State Power plant and the Spectra/Algonquin compressor

1 station. I believe that it would be unconscionable for the EFSB to add to that existing
2 burden the additional toxic emissions from the proposed 1,000 MW CREC facility.

3
4 **Q. Please summarize the Town Council's position.**

5 A. The Town Council believes that our Planning Board summed up the rationale for our
6 opposition to this proposed power plant succinctly when it stated as follows:

7
8 Aside from recognizing the economic potential to Burrillville in terms of
9 tax and impact fee revenues and about 25 permanent jobs, our members
10 were very clear that we should place much greater weight on numerous
11 other Comprehensive Plan Goals and Policies that we feel the CREC
12 would not be in compliance with, such as natural and cultural resources,
13 landscapes, wildlife and biodiversity, local air quality, groundwater
14 quantity and quality, excessive traffic impacts, and noise. We have a
15 particular quality of life in Burrillville that is unique and worthy of
16 preservation. Burrillville's unique European growth pattern (i.e., a mix of
17 dense villages beset by rural spaces) is also supported for preservation and
18 replication as a model for growth for western Rhode Island by the State
19 Guide Plan - a plan with which the Burrillville Comprehensive Plan is
20 consistent. (at 10).
21

22 **Q. Have Burrillville's representatives in the General Assembly expressed any opinion**
23 **regarding the proposed facility?**

24 A. Yes. State Representative Cale P. Keable and State Senator Paul W. Fogarty wrote to the
25 EFSB to express their unequivocal opposition to Invenergy's application on April 7,
26 2016. (See attached Exhibit D.) Representative Keable's district includes Burrillville and
27 Gloucester. Senator Fogarty's district includes Burrillville, Gloucester, and North
28 Smithfield.

1 Representative Keable and Senator Fogarty heard from hundreds of Burrillville residents
2 in addition to attending the EFSB's public hearing at Burrillville High School.

3 Representative Keable and Senator Fogarty expressed concern about:

- 4 • the unfairness of siting a second power plant in the same town that already hosts a
5 fossil fuel burning power plant;
- 6 • the loss in market value to homes near the proposed facility;
- 7 • whether the Burrillville site meets the requirements of R.I.G.L. § 42-98-2, that
8 such a facility "shall produce the fewest possible adverse effects on the quality of
9 the state's environment; most particularly, its land and its wildlife and resources,
10 the health and safety of its citizens, the purity of its air and water, its aquatic and
11 marine life, and its esthetic recreational value to the public."
- 12 • the risk of siting a power plant in the middle of numerous pristine bodies of water,
13 protected state parks and management areas, and inland natural resources; and
- 14 • the increase in nuisance activity, including traffic, noise, and light.

15
16 Representative Keable and Senator Fogarty also wrote on behalf of the residents of
17 Zambarano Hospital, many of whom lack the capacity to speak on their own behalf.
18 Zambarano Hospital is located only a short distance from the proposed facility site.
19 Should a catastrophe occur at the CREC facility, if it is allowed to be built, it is unlikely
20 that the nearly 120 patients at Zambarano could be evacuated in a safe and timely
21 manner.

22
23 Representative Keable and Senator Fogarty also wrote on behalf of their constituents in
24 Gloucester. For Gloucester residents, the proposed facility promises additional burdens to

1 their community without any corresponding benefit. Traffic through the historic village
2 of Chepachet during construction is of particular concern.

3
4 Representative Keable and Senator Fogarty also advised that the approval of Invenergy's
5 application would be inconsistent with the Resilient Rhode Island Act (R.I.G.L. § 46-6.2
6 et seq.) which both Keable and Fogarty supported when that legislation was introduced
7 and adopted by the Rhode Island General Assembly.

8
9 **Q. Do other Rhode Island municipalities, besides the Town, oppose Invenergy's**
10 **application to build CREC in Burrillville?**

11 A. Yes. To date, 32 cities and towns in Rhode Island have passed formal Resolutions
12 opposing the Clear River Energy Center, including:

- 13 • Town of Burrillville (adopted September 22, 2016)
- 14 • Town of Glocester (adopted October 6, 2106)
- 15 • Town of Middletown (adopted October 17, 2016)
- 16 • Town of North Smithfield (adopted October 17, 2016)
- 17 • Town of Lincoln (adopted October 18, 2016)
- 18 • Town of Scituate (adopted November 10, 2016)
- 19 • Town of South Kingstown (adopted November 14, 2016)
- 20 • Town of Richmond (adopted November 15, 2016)
- 21 • Town of Hopkington (adopted November 21, 2016)
- 22 • Town of Tiverton (adopted November 29, 2016)
- 23 • Town of Cumberland (adopted December 7, 2016)

- 1 • Town of Charlestown (adopted December 12, 2016)
- 2 • Town of Foster (adopted December 15, 2016)
- 3 • City of Cranston (adopted December 19, 2016)
- 4 • Town of Exeter (adopted January 3, 2017)
- 5 • Town of Westerly (adopted January 9, 2017)
- 6 • Town of Jamestown (adopted January 17, 2017)
- 7 • Town of Narragansett (adopted January 17, 2017)
- 8 • Town of Little Compton (adopted January 19, 2017)
- 9 • Town of North Kingstown (adopted January 23, 2017)
- 10 • Town of Coventry (adopted January 23, 2017)
- 11 • Town of New Shoreham (adopted February 6, 2017)
- 12 • Town of West Greenwich (adopted February 8, 2017)
- 13 • City of Pawtucket (adopted February 9, 2017)
- 14 • City of Providence (adopted February 10, 2017)
- 15 • Town of Portsmouth (adopted February 13, 2017)
- 16 • City of Central Falls (adopted February 13, 2017)
- 17 • Town of Warren (adopted February 14, 2017)
- 18 • Town of Bristol (adopted February 15, 2017)
- 19 • Town of Barrington (adopted March 6, 2017)
- 20 • Town of West Warwick (adopted March 7, 2017)
- 21 • City of East Providence (adopted March 21, 2017)

22

1 In addition, three municipalities in neighboring Massachusetts and Connecticut have also
2 passed Resolutions opposing the project, including:

- 3 • Town of Thompson, Connecticut (adopted August 2, 2016)
- 4 • Town of Douglas, Massachusetts (adopted February 16, 2017)
- 5 • Town of Webster, Massachusetts (adopted March 13, 2017)

6
7 **Q. But won't the power plant reduce electricity rates?**

8 A. Yes, but the recent Advisory Opinion of the Public Utilities Commission ("PUC") to the
9 EFSB in PUC Docket 4609 found that the total potential electric rate savings from the
10 proposed power plant for Rhode Island ratepayers would only be about 1% to 2%.

11
12 It is my opinion, the opinion of Burrillville residents, and the unanimous opinion of the
13 Town Council, that potential electric rate savings of a mere 1% to 2% are substantially
14 outweighed by the many significant unacceptable harms to the Town, the state, its
15 residents, and its environment as outlined above. The EFSB must balance any small
16 monetary savings against the extensive detriments to the state and community. How do
17 we monetize the cost of poisoning the air we breathe? How do we monetize the cost of
18 increased toxin exposure to our children and our grandchildren over the next 20 years or
19 longer? How do we monetize the risk of a truck carrying ammonia or hydrogen crashing
20 as it drives through the heart of our Town? There are significant unacceptable risks,
21 especially since this huge 1,000 MW facility is not needed to keep the lights on, which is
22 why ISO-NE has twice refused to award a CSO to Invenenergy for Unit 2.

1 Therefore, the Town strongly urges the EFSB to unconditionally reject Invenenergy's 1,000
2 MW power plant application.

3

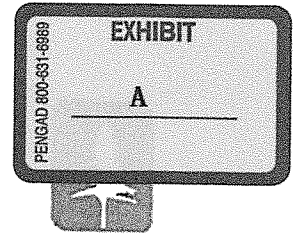
4 **Q. Does this conclude your testimony?**

5 **A. Yes.**



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830



January 28, 2016

Burrillville Town Council
105 Harrisville Main Street
Harrisville, RI 02830

**RE: Proposed Invenergy & Spectra Energy Power Facility
Clear River Energy Center
Town of Burrillville, RI
Cover Letter**

Honorable Town Council Members,

The Burrillville Conservation Commission is a seven member, non-for profit, municipally funded organization, formed under R.I.G.L. with a mission focused on all aspects of local conservation of resources within the community of Burrillville.

The Commission focuses on educational campaigns aimed at teaching our local youth about local resources, to public participation in community environmental events, maintaining select public land areas dedicated to conservation purposes and serving as a technical liaison to the various functions of the local government.

The Commission provides technical input to the local offices and municipal boards on land development projects with the goal of ensuring the health, welfare and safety of the residents we are appointed to serve are maintained.

Please accept the attached letter on behalf of the Burrillville Conservation Commission as it relates to the subject matter. Should you have any questions or need additional information from the Commission, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted on behalf of the
Burrillville Conservation Commission

Kevin Cleary, PE, Chairman



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830



January 28, 2016

Burrillville Town Council
105 Harrisville Main Street
Harrisville, RI 02830

**RE: Proposed Invenergy & Spectra Energy Power Facility
Clear River Energy Center
Town of Burrillville, RI**

Honorable Town Council Members,

The Burrillville Conservation Commission respectfully submits a position of opposition to the proposed power facility currently sited for installation along the liquid natural gas transmission line, northeast region corridor, located in the northwesterly quadrant of Burrillville.

For obvious reasons a Conservation Commission cannot support any exploit of natural resources within the township to support an ever growing society based on fossil fuel consumption. The plight of the current generation should be resolved on finding ways to exploit renewable energy as opposed to a short sighted goal of introducing a modern power facility based on fossil fuel power production.

There is no need to explain the obvious health, environmental, safety and economic issues around further consumption of carbon based raw materials. There are plenty of shows on television, publications in engineering journals and listings on the Environmental Protection Agency's website on the continued reliance of fossil fuels to feed mankind's need for power.

Burrillville leaders should insist on reliance of renewable sources readily available to us. The State of Rhode Island should insist on modifying its power portfolio to more renewable sources for our State's needs. The Northeast Region of the country should look at better ways to strive for clean emissions in our atmosphere that ultimately end up over one of our largest food supplies; the Atlantic Ocean. The proposal before our community does not include this aspect in mind.

With any proposal comes compromise our local leaders must consider. Are we making the correct decisions for our children and our grandchildren? Are we making sound environmental sacrifices that are to the benefit of the community? Are we simply siding with big power because they are telling us we should? All these questions are real and we should expect real answers that we and the next generation can live with.

Thirty years ago Burrillville favored with a similar power facility to come on line in Town because, it was similarly well sighted between power and natural gas transmission lines. What have we learned from that experience over time? Ocean State Power facility has provided many worthy grants to our community's children. Ocean State Power facility has provided a steady stream of income to the tax base in the form of a payment in lieu of taxes. Ocean State Power facility once employed over 100 full time employees. There were certainly benefits the Town's leaders were willing to live with at the time, so concessions were made to ensure the Town received the best benefit it could.

What else have we learned over the last 30 years from OSP living in Burrillville? Light pollution has extended out for miles beyond the facility's borders. Noise pollution during peak power production could be heard upwards of 2 miles from its property boundaries. Land values immediate to the area were impacted negatively and some of our local highways and byways took 20 years to rebuild. Not all has been bad with the hosting of OSP, but the picture is far from perfect.

So what compromises should we consider with Invenergy and Spectra Energy teaming up to build a nearly double the size power facility in another corner of our Town?

Are we willing to permanently displace wildlife & wetlands?

Are we willing to increase noise & light pollution?

Are we willing to increase the risk of an LNG disaster or health concerns?

Is the exploitation of our local environment worth concessions our local leaders will consider for the next 30 years?

Will another power facility come knocking on the door in 30 years because Burrillville is still so advantageously positioned along the natural gas and power transmission corridors? Will we accept another power facility at that time because they tell us we should?

The Engineers, Scientists and Economic Experts working on behalf of Invenergy and Spectra Energy will certainly tell us yes to all the questions above, but what have we really learned over the last 25 years of having OSP hosted in our Town that we need to consider going forward during the deliberations of hosting another power facility.

The short term goal of this facility is almost certainly to offset the gradual shut down of other regional power stations that burn coal, oil or are perhaps driven by nuclear power. The long term goal however, may be to add another power station also driven on fossil fuels in Burrillville 30 years from now and we will be in no better position than now to say NO.

Burrillville should be resolved on insisting this generation and generations to come need to be relying on renewable energy from the sun, wind or water.

As the Invenenergy Sighting Proposal is looked into further there are certain land areas that will be forever changed that are currently unfragmented large sections of forest. There are wetlands that will be permanently altered. There are machines and industry that will forever be present going forward. Wildlife will be displaced to support our ever growing need for power. There are obvious issues that for the surface value in the sighting proposal appear minor, which once looked at closer, are quite substantial.

Issues around the power sighting facility proposal range from 2 million gallons of back up fuel to diesel fuel storage areas for backup generators and fire pumps. These facilities are proposed in the report without membranes below for containment. These substantial volumes of backup fuels stored on site are shown in double containment cells, but the filling, conveyance and pumping areas where they are located are not lined below to protect Burrillville's most valuable resource: our groundwater. Understandably, the containment cells are not likely to fail and spill, but where the most potential for spillage to occur are the points of filling, conveyance and pumping where valves can fail, pumps can break and most notably human error can occur.

Supply water to the facility is proposed from offline former Pascoag Utility District wells contaminated with MTBE. The existing PUD wells have been contaminated for the last 15 years, so it is understandable why PUD would be interested in entertaining this project. The proposals in the project include setting up an activated carbon filtration system at the location of the wells to clean the groundwater prior to conveyance up to the power station's 1-million gallon storage tank. Can any emissions or pollution from the contamination build up in the activated carbon pollute the local air surrounding the PUD wells? Where does the spent activated carbon laden with MTBE go once it is used? The pollution concentration must go somewhere. Are we being good stewards by potentially moving our pollution into someone else's backyard?

Looking further at the water demand proposed by the facility, 0.225 Million Gallons of water is required under normal summer peak load. The proposal further indicates when running on oil, the daily water demand will nearly quadruple to about 1-Million Gallons.

Two questions that come to mind are where does the 1-million gallons of water per day come from and when did burning oil at this facility come into the equation?

Where does the oil supply come from and under what circumstances does oil come into the operation?

When did oil produced power come into the equation with this power facility? OSP had to pipe oil and water lines for miles along Route 146A, Route 102 and Douglas Pike to their facility.

What are the output production of the defunct PUD wells rated at? Can these wells meet this type of long term water supply demand without significant constraints on the groundwater resources adjacent to the wells? If the PUD wells do not meet the demand for the power facility, where will the water come from? OSP has locked up much of the water in the Blackstone River during periods of drought, which do occur intermittently through the years. Trucking could be seen all summer in 2015 with dozens upon dozens of 8,000 gallon truck loads of water being delivered to the OSP Holding Pond on Route 102. All the truck emissions in the peak of summer during the peak power demand; do we want those trucks traveling through our main streets and neighborhoods in Harrisville and Pascoag? What will happen along Route 100? Will it become a truck shipping route for water during drought times? This solution to water shortage only adds to the many problems this proposal contains. This proposal does not tell us where additional water supply will come from? When drought is present, the regional power facilities get water anywhere they can, even if the withdrawal sites are not legal.

The wastewater from this facility is proposed to be discharged into the Burrillville wastewater treatment facility. Has our sewer service area been fully built up with service lines in the intended areas originally identified in the facilities plans? Should we be taking care of the areas intended to be serviced not yet online, as opposed to allocating valuable treatment facility capacity to an outside industry not in the sewer district service area?

The proposed facility is sighted directly on top of groundwater classified at GAA groundwater. This classification of groundwater is the most pure designation of groundwater environmental scientists classify groundwater resources with. Are we willing to risk our local designation of our GAA water to something potentially less? One major fuel spill, one major explosion, one major facility failure, one small human error has the potential to jeopardize our groundwater miles away.

The report does not indicate where the power facility will obtain potable water for human consumption from. The workers, offices and potable water facilities located on site are not explained as to their origin. Will a driven well be supplied to meet potable water demand on site or is another drinking water utility line proposed to be extended from Pascoag to the site along Route 100?

What will happen to our local roads during all the construction of utility lines and the facility? Then what will happen for the next 20 years while Burrillville and RIDOT are stuck with fixing those roads at the taxpayers expense? OSP's oil & water line installation from the Blackstone River, into Burrillville along Route 102 and up Route 7 were just fixed in 2013 and 2007, respectively. Prior to those time frames water and oil manhole covers could be seen protruding through the shoulders of the highways and rutting in the travel lanes directly resulted. The Town fixed portions of Route 7 in 2007 at the cost of nearly \$500,000 and the State of Rhode Island finally corrected portions of

Route 102 just two years ago under a \$2,400,000 project, finally ending the roadway impacts associated with OSP's utility installations. Burrillville recently fixed Grove Street and Laurel Hill Avenue 10 years ago with local tax dollars, putting a final fix to the disruption sewer extensions created back in the early 1980's. Are we ready to dig those roads back up again?

The new power facility proposes a power line lateral extending to the existing power transmission corridor north of the site. To complete the power line lateral, approximately 14.5 acres of new clearing and permanent vegetation removal will be required in forested lands. Additionally, what the proposal does not define in any detail, aside from the Electromagnetic & Magnetic Field Appendix toward the end of the report, the applicant does not disclose in any detail the extent of further land clearing that will be required along a 6-mile stretch of the existing National Grid corridor on the northerly/easterly side of the easement to connect this power station to the existing switchyard adjacent to Ocean State Power on Sherman Farm Road. This additional land clearing would likely result in approximately 140 acres of land permanently cleared where they provide no detail for what so ever in the report. Connecting this facility to the Grid will result in the construction of a 3rd set of additional high tension power lines and H-frame structures from Wallum Lake Road to Sherman Farm Road.

Over the last 4 years Burrillville has permanently lost just over 150 acres of forest land along the National Grid transmission corridor from North Smithfield to Thompson, CT due to the reliability project that occurred.

How much more are we willing to lose?

Upwards of 4 to 5 acres of permanent wetlands filling and alteration are proposed as a result of the project? Will these wetlands which not only serve as valuable wildlife habitats, but flood controls; be restored elsewhere or replicated? They should be; it is the least that can be given back. Additionally, USACOE requires large scale wetland fillings to include up to 1.5-times the amount of fill in the form of replication. No indication of wetlands replication or compensation is discussed in the siting report.

In addition to the 67 acres proposed to be permanently disturbed there will be an additional 83 acres that will be indirectly disturbed due to a "halo" effect around the project areas cleared, as detailed in the siting proposal.

The developer's report indicates they are aware that species of birds, some of which are currently listed as threatened, that will be permanently displaced as a result of the proposed forest fragmentation. The same birds were identified in this area as their breeding grounds. Are the benefits of this project worth the need to push these bird species to a vulnerable, endangered or to the brink of their extinction? Do we want the Black Throated Blue Warbler to become endangered when we have the ability to prevent it?

The project needs further evaluation.

Were Alternate sites considered over Burrillville, if so where? Certainly the planning for this project started better than a decade ago; the planning is much too far along?

The leaders of Burrillville have a unique crossroad in front of them where they must decide the fate of the town for the next generation. Are our leaders willing to fall victim of further carbon polluting byproducts or do we look to exploitation of cleaner renewable energy technologies instead? The engineers and scientists for Invenergy and Spectra Energy will tell us Burrillville is best sighted for this power facility with the least amount of risk, but are we?

Should this letter on behalf of the Burrillville Conservation Commission be submitted as an opposition to the proposed power facility it is asked the developer propose a renewable energy plan alternative for comparison. Should the leaders of our community decide the best interest of our town's future generations is an LNG power station today, then certainly the Town should demand the parties responsible for this project give something more back to the community.

The leaders of this State and the Town are certain to proceed through a negotiation process of what payment the State will receive by hosting such a facility. The Town will also, likely be waiting with an opportunity to receive a mutual, financial benefit from hosting.

But what can we really ask from this facility that will leave a lasting legacy for our successors to know we tried to give back more than we took away?

The administrators and finance managers of the town will likely see opportunities to stabilize the Town's tax base and find a short term mechanisms for maintaining minimal tax increases. The Town's schools, planners, engineers and emergency services will find uses of the payment based revenue for capital improvements, expanded school services, infrastructure needs and other critical town services.

But what will we give back to the Town for what we allowed to forever be taken away?

What will we give back to the local environment?

For all the acreage this project in tandem with the National Grid Reliability Project have taken away in this community we should receive a pledge that no less than 5 times that amount permanently disturbed will be given back in land stock held in conservation for perpetuity....forever.

If the Town's leaders favorably nod approval for the proposed power station, the

Conservation Commission respectfully requests that no less than 2,000 acres of non-contiguous land be acquired by the developers anywhere within the Town of Burrillville over the course of the next 25 years and that all said acreage be held in perpetuity in the form of conservation easements, at a reduced taxable rate by the local tax assessor; an average of 80 acres per year. Said land under any such agreement shall not be subject to sale, transfer, subdivision, development or any outside purpose other than refuge for local wildlife and conservation purposes.

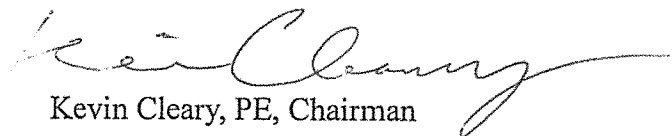
Surely, the 30-year projected lifespan of this facility's carbon output is far greater than 2,000 acres of conservation land's carbon absorption ability, when compared regionally?

The Commission respectfully requests consideration of funding of local educational programs aimed at the locally conserved lands acquired under such an agreement during the 25 year period focusing on local conservation techniques, maintaining sustainable resources and implementation assistance of renewable energy alternatives made available to our local residents. The overall goal of said educational program is driven by the need to become less dependent on fossil fuel energy sources.

The Conservation Commission respectfully requests the Town Council to declare a proclamation supporting expansion of renewable energy while transitioning away from reliance on fossil fuel consumption.

Should you have any questions or otherwise like to meet to discuss the merits of the proposed LNG facility with any members of the Commission, please contact me at your convenience.

Respectfully submitted on behalf of the
Burrillville Conservation Commission


Kevin Cleary, PE, Chairman

Cc: Michael Wood, Burrillville Town Manager
U.S. Sen. Sheldon Whitehouse
Janet Coit, Director, RIDEM
RI Energy Facility Siting Board
Audubon Society of Rhode Island

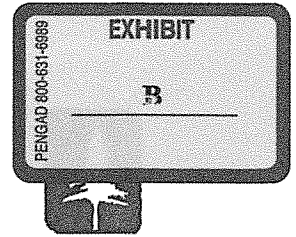
Invenergy-Clear River Energy Center
Mary Ryan, Senior Manager, Public Affairs
One South Wacker Drive, Suite 1900
Chicago, IL 60606



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830

March 31, 2016



State of Rhode Island
Public Utilities Commission
Energy Facilities Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**RE: RI SB 2015-06
Invenergy Thermal Development, LLC.
Clear River Energy Center
Town of Burrillville, RI
Cover Letter**

Honorable Siting Board,

The Burrillville Conservation Commission is a seven member, non-for profit, municipally funded organization, formed under R.I.G.L. with a mission focused on all aspects of local conservation of resources within the community of Burrillville.

The Commission focuses on educational campaigns aimed at teaching our local residents about conservation of resources, public participation in community environmental events, maintaining designated public land areas reserved for conservation purposes and serving as a technical liaison to the various functions of the local government.

The Commission provides technical input to the local offices and municipal boards on land development projects with the goal of ensuring the health, welfare and safety of the residents we are appointed to serve are maintained.

Please accept the attached letter on behalf of the Burrillville Conservation Commission as it relates to the subject matter. Should you have any questions or need additional information from the Commission, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted on behalf of the
Burrillville Conservation Commission

Kevin Cleary, PE, Chairman



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830



March 31, 2016

State of Rhode Island
Public Utilities Commission
Energy Facilities Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**RE: RI SB 2015-06
Invenergy Thermal Development, LLC.
Clear River Energy Center
Town of Burrillville, RI**

Honorable Siting Board,

The Burrillville Conservation Commission sent the Siting Board copy of a correspondence as public information on or around January 29, 2016 in regards to the subject proposal.

This correspondence is not a reiteration of the previous correspondence, but rather a short list of relevant issues the Burrillville Conservation Commission has identified during our review of the siting proposal and subsequent exhibits that have been submitted to the Board since the initial filing.

The list of issues below is not an all-inclusive list of items surrounding the proposal, but an indication of short comings that otherwise merit the denial of the application as submitted:

Prefix: The project lacks sufficient information for the impacts of the entire site disturbance proposed. All elements of the project and the impacts of all the improvements scheduled including: land, power corridor expansion, wetlands, water quality, air pollution, noise pollution, waste-water, traffic, construction and post construction are not adequately detailed for the rendering of a competent determination by the Siting Board.

1. Air pollution is not adequately addressed on a local order of magnitude. Using regional approaches to satisfy the issue of air pollution is not appropriate for ascertaining the local impacts to air quality immediate to Burrillville, North Smithfield, Smithfield, Glocester (Rhode Island), Thompson, Danielson (Connecticut), Uxbridge, Webster, Douglas (Massachusetts). Measurable expectations of local air pollution and the immediate dispersion of harmful pollutants to the local surrounding of inhabitants should be quantified and presented to the Board. Compliance with the Clean Air Act has not been sufficiently demonstrated and the application should not be approved by the Board at this time.
2. Water pollution is not adequately addressed in sufficient detail for Rhode Island Department of Environmental Management to provide the Board with a sufficient advisory to warrant the

issuance of any approvals by the Board. Storm water impacts to the two local contributing brooks to the Clear River are not satisfactory. Nutrient loadings, sediment retention, peak runoff flow, volume and water quality figures are not satisfactory within the intent of the rules and regulations under the Clean Water Act. Due to insufficient water pollution evidence the merits of the project should not be approved by the Board at this time.

3. Traffic impacts to local and State roads are not adequately addressed. Long term impacts are not identified in the proposal sufficient for Rhode Island Department of Transportation to fully quantify impacts to State highways in the region. Impacts to Greenville (Smithfield), Chepachet (Glocester) and Pascoag (Burrillville) are not clearly identified sufficient to fully understand the local shipping routes associated with the transport of the hazardous materials transported to the proposed facility. US Department of Transportation should have cursory review of this application as the transport of hazardous materials over US Federal and State highways may warrant review. The application lacks information pertaining to anticipated traffic impacts, trip generations and details relative to the transport of hazardous materials to the site, therefore the application should not be approved by the Board at this time.
4. Expansion of the existing electricity grid corridor is not adequately addressed as a component of the project. The existing National Grid corridor will see a 3rd set of new high tension overhead 345kV power lines added between Wallum Lake Road and Sherman Farm Road, a length of over 6 miles. No detail is provided in the siting proposal to ascertain the impacts to woodlands, wetlands, roads, private properties or public lands over the course of the intended route. An advisory opinion from National Grid over the expanded use of the existing corridor should be provided to the Board for consideration prior to execution of a decision. The impacts associated with this part of the project should also be included in the review of the RIDEM, USACOE and RIDOT. Impacts to private lands, both environmental and economical, over the course of the intended route should be included under the purview of the Board to consider in this application. No discussion is provided in the siting proposal to address the impacts of the additional electric corridor expansion and for those reasons the application should not be approved by the Board at this time.
5. Process water related impacts to the local groundwater aquifer are not quantified in sufficient detail. Impacts to the local groundwater aquifer are not addressed in the siting report sufficient for the Board to make a determination regarding the groundwater impacts of the proposal. The application indicates use of a contaminated groundwater resources. The application lacks sufficient detail about the withdrawal, treatment, use, conveyance and disposal of the groundwater proposed for process use in this project. Service process water volumes are indicated in the report, but the disposal of spent treatment byproduct is not addressed. Treatment of waste-water with expected byproduct characterization for industrial pre-treatment compliance is not provided and impacts to local groundwater is not detailed to a level where reasonable expectation the existing pollution will be treated and disposed of properly. The siting proposal does not indicate how the treatment byproduct within the contaminated groundwater will be disposed of. The application does not have any alternate source of process water identified for backup use in this project. A failure of the groundwater well at the Pascoag

3A well site would be detrimental to this project. The intended means of acquiring an alternate water source along with the impacts around an alternate water source location should be required by the Board for consideration. Industrial impacts to the local publicly owned treatment facility should be better detailed for the Board's consideration. For the reasons stated above the application should not be approved by the Board at this time.

6. Fuel sources to be used in the project are Natural Gas and #2 Diesel Fuel as a co-generation facility. Sufficient detail is not provided in siting proposal to adequately address storage containment, conveyance, transport, emergency conditions and suppression needs to satisfy an approval of the Siting Board. Use of #2 Diesel Fuel in the project needs clarification as to the output levels of air pollution, periods of use, transport of these volumes of hazardous materials to the site, as identified in bullet 3 above and services satisfactory to provide emergency response. An advisory opinion from the State Fire Marshall's Office should be provided to the Board for consideration of use of the fuel sources cited for use, the applicability in this project and safety concerns for the surrounding inhabitants. For these reasons the Board should not approve the application at this time.
7. Other hazardous chemicals used on site are not detailed sufficiently for the Board to make an appropriate determination at this time, additionally. Other chemicals are proposed for use at the project site, but the siting proposal lacks sufficient detail as to the storage, use, destination, output, treatment, transport and ultimate disposal of these constituents as related to this proposal. Until more detail is provided for the other hazardous chemicals being employed at the site, the Board should not approve the application at this time.
8. Noise impacts associated with the project are not fully addressed. In tandem with the AIM project sponsored by Spectra Energy, which is adjacent to this project, noise impacts are not sufficiently detailed in the siting proposal satisfactory for the Board to make an informed decision. Noise from this facility will not comply with the local Zoning Ordinance regarding Noise Limits and exemptions, as cited by the applicant as applicable should not be authorized. For that the Board should not approve this application at this time.
9. Critical Wildlife Habitats and biodiversity impacts associated with the project are not sufficiently detailed to satisfy a siting approval of the project. The wildlife inventory presented in the environmental assessment is not an all-inclusive list of the biodiversity at the site, along the power grid expansion limits or within the limits of the proposed utility extensions from Pascoag. All the fragments of this project are not clearly interlaced within the specific siting of the facility proposed. All aspects of the project should be presented in a complete format, along with a biodiversity inventory inclusive to the entire project limit. This information is grossly lacking in the siting proposal for the Board to make an informed decision over the appropriateness of this application. An advisory opinion from the US Environmental Protection Agency and the requirement to complete an Environmental Impact Statement should be remanded for the project. For these reasons the Board should not approve this application at this time.
10. Impacts to local property are not addressed sufficiently in the siting proposal. Very little detail

is provided to make a clear determination on what the impacts to local properties, abutting properties and the community will be. A realization of the impacts to the local community should be wholly quantified for the Board to make an informed decision on the merits of siting this facility. Financial impacts to the local real estate, entire community and more importantly the abutting Conservation Areas (Pulaski Park, George Washington Management and Buck Hill Management) are not addressed. For these reasons the Board should not approve the application at this time.

Considering the items listed above the Burrillville Conservation Commission does not support the project at this time. Supplemental information from the applicant should be required by the Board before a decision is rendered. The Commission does not support the application additionally, because it does not represent conservation of resources, both natural and man-made. The Commission respectfully requests the submission of an Environmental Impact Statement to fully quantify all aspects of the proposal, including use of alternate sites for this installation and alternate energy production types. A Finding of No Significant Impact is invalid for this application and compliance with the National Environmental Policy Act should be enforced by the Board. The warrants to support the inclusion of an EIS are present in this application as the Environmental Assessment does not adequately address all the issues surrounding the project's scale and magnitude.

The existing site is part of a larger un-fragmented corridor of preserved, unimproved forest lands. The Commission would suggest there are more appropriate sites available for the installation of such a facility that would have lesser impacts on the regional and local environment, economy, property and be appropriately sited for more conservative use of available resources. Until the information cited above is requested, the Board should not consider authorization of the siting proposal at this time.

Please accept this information from the Burrillville Conservation Commission as part of the public hearing on the matter and if you need additional information, please contact me at your convenience.

Respectfully submitted on behalf of the
Burrillville Conservation Commission



Kevin Cleary, PE, Chairman

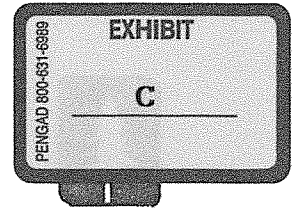
Cc: Burrillville Town Council
U.S. Sen. Sheldon Whitehouse
Invenergy-Clear River Energy Center



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830

August 1, 2016



State of Rhode Island
Public Utilities Commission
Energy Facilities Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

RECEIVED
2016 AUG -5 PM 12:35
PUBLIC UTILITIES COMMISSION

**RE: RI SB 2015-06
Invaenergy Thermal Development, LLC.
Clear River Energy Center
Town of Burrillville, RI**

Honorable Siting Board,

The Burrillville Conservation Commission would like to bring to your attention the further need for evaluation of water resources and traffic impacts through the implementation of an Environmental Impact Study with respect to the proposed CREC.

During the week of July 25, 2016, Ocean State Power Facility stopped drafting process water from the Blackstone River in Woonsocket due to minimum river flows and the requirement to maintain 7Q10 river base flow. As such OSP started to draft reserve water from the Route 102 Holding Pond on the Burrillville/North Smithfield town line. On Thursday, July 28, 2016 OSP started hauling 8,000 gallon truckloads of water into the holding pond site to provide process water for continued operations.

During a traffic count for a half hour, PM Peak, 12 trucks accessing the facility was counted, which extrapolated over the course of a 10 hour day equates to almost 2 million gallons of water delivered. Given the recent lack of rain fall, 3"+ in the month of June and only 2"+ in July, available water resources have become a commodity. To further exacerbate OSP's demand for water to continue with their operations, third party water suppliers were trucking in water from sources still within the Blackstone River Valley Watershed (reaches within the Branch River), which should further be construed as a hindrance to maintaining required 7Q10 flows within the Blackstone River. There is no check/balance in place to ensure the power producers are acquiring water from legitimate sources.

The basis of creating this argument is that the CREC proposes to draft water from the Clear River aquifer, which is contributory to the Branch River, further contributory to the Blackstone River. CREC's proposal to draft 225,000 gallons of water per day in the summer months will intensify drought condition within the Blackstone River Watershed earlier in the summer months and require OSP to seek alternate sources of water for operations elsewhere, or possibly shut down. The Commission further purports the maintenance of 7Q10 flows in the Clear River needs to be closely calculated and reviewed to ensure the availability of water resources meet the demands of not only the project, but the Clear River sub-basin as well. In the event 7Q10 flows cannot be maintained in the Clear River sub-basin due to the current application's consideration, there is no alternate source of water indicated, which in the view of the Commission, is a fatal flaw within the application. Additionally, vehicular transport of

water into the CREC facility would also be a fatal flaw during summer months no one has yet considered or presented as testimony to the Board.

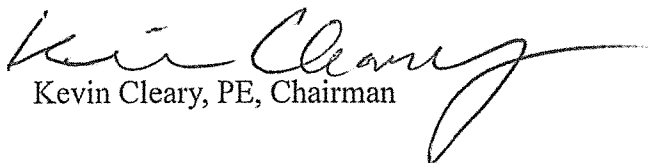
The Commission would also like to use this opportunity to inform the Board that the trucking of water to the OSP Holding Pond Facility, caused traffic delays on Route 102, even with a flagger present to assist turning movements of the 8,000 gallon tractor trailer units accessing the facility. With Route 102 having sufficient roadway geometry and lane capacity to accommodate such delays that were present, further consideration *must* be given to what *realistic* impacts truck traffic will have in Pascoag the applicant's traffic engineer simply does not capture or enter as testimony.

Given the number of trucks accessing the OSP facility on 7/28/2016 (estimated 240 trucks during the day delivering almost 2 million gallons of water) and using that as a basis of comparison to anticipate impacts to traffic in Pascoag, during winter months when the applicant may use diesel to energize CREC, roughly 85 trucks will need to pass through Pascoag's geometrically deficient roadway network to the access the facility each day, for up to 30-days (assumption is 85 trucks per day to recover 2,000,000 gallon AST to maintain 3 days of continuous operation with 8,000 gallon oil delivery trucks, for 30 days). Over the course of 30-days that would be 2,500 oil tankers through Pascoag, in the winter. The likelihood of an accident occurring during the winter on roads that are geometrically deficient logarithmically increases (Intersection of South Main St left to High St, Right turn from High St to Church St and two other significant horizontal curves on Church St, which all lack centerline turning radii for 53-ft trailer trucks). The figure above does not include Ammonia and Hydrogen Cell deliveries during this time additionally. The Board needs to appreciate the complexity, hazard and risk of being able to sustain this type of trucking operation to satisfy CREC's demand for backup fuel proposed on a roadway network that is not designed nor built to accommodate such a proposition and do so during winter weather.

Quite simply to propose this type of winter trucking operation through the streets of Pascoag flies in the face of common sense and conventional wisdom. CREC's application to setup shop in Burrillville is incompatible with sustenance of the available resources and places the health, safety and welfare of Burrillville's people and environment at high risk. Considering the items listed above the Burrillville Conservation Commission does not support the project. The Commission further maintains the previous position an Environmental Impact Statement must be rendered necessary to quantify all aspects of the proposal at this location.

Please accept this information from the Burrillville Conservation Commission as part of the public evidence on the matter and should you need additional information, please contact me at your convenience.

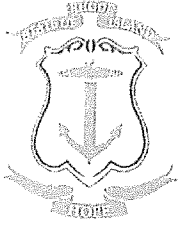
Respectfully submitted on behalf of the
Burrillville Conservation Commission



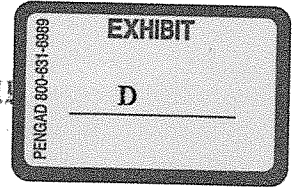
Kevin Cleary, PE, Chairman

Cc: Burrillville Town Council
RI Water Resources Board
Hon. Governor Gina Raimondo
U.S. Sen. Sheldon Whitehouse

Enclosures: digital disk with trucking photos & video dated 7/28/2016



State of Rhode Island and Providence Plantations
GENERAL ASSEMBLY



2016 APR 11 PM 12:37
PUBLIC UTILITIES BOARD

April 7, 2016

Energy Facility Siting Board
Attn: Margaret E. Curran, Chairperson
89 Jefferson Boulevard
Warwick, RI 02888

Dear Chairperson Curran:

After thoughtful consideration, we write to express our unequivocal opposition to Invenergy's application to construct a 1000-megawatt, fracked gas power plant in the heart of Burrillville's idyllic village of Pascoag.

Prior to taking this position, we met with residents at the State House, hosted a town hall style meeting at the Jesse M. Smith Memorial Library that was attended by hundreds of residents – in fact so many that not everyone was able to gain access to the room – and listened to the entirety of your board's public hearing at the Burrillville High School. Additionally, we have responded to countless constituents who have contacted our offices in favor and opposition to the proposed power plant. During all of this, we listened closely to our constituents. *As a result of the above, we have become convinced that this proposed power plant is inappropriate for siting in Burrillville and we urge your rejection of Invenergy's application.*

As an initial matter, it must be stated that Burrillville has already done more than its fair share for the region's energy needs. As you know, Burrillville already hosts a fossil fuel burning power plant and has done so for over two decades. Siting a second power plant in the same town does not comport with any rational notion of fairness. More importantly, having two power plants within five miles of one another raises serious concerns regarding cumulative negative health effects.

Additionally, the very residents who would be impacted most adversely by the proposed power plant have already endured – and continue to endure – the extreme inconvenience of a gas pipeline compression station located directly adjacent to the proposed site of this power plant. These residents have sacrificed enough of the quiet enjoyment of their homes. No more should be asked of them. We certainly should not ask them to suffer the loss in market value to their homes that the siting of this power plant would entail.

Moreover, the present proposal runs afoul of the mandated policy of the Energy Facility Siting Board that, pursuant to RI Gen. Laws § 42-98-2, any proposal must assure that the:

“...construction, operation and decommissioning of the facility shall produce the fewest possible adverse effects on the quality of the state’s environment; most particularly, its land and its wildlife and resources, the health and safety of its citizens, the purity of its air and water, its aquatic and marine life, and its esthetic and recreational value to the public.”

We question whether this proposal addresses this policy requirement. While the proposed site may be the most economically advantageous location for the developer, the placement of this mega-facility ensures an immeasurable adverse impact on the quality of the state’s environment. There are certainly alternative sites in heavy industrial zones where the environmental destruction/impact would be minimized. There are sites where other facilities have been decommissioned. There are other sites that provide adequate pipeline and transmission access that will not destroy these otherwise pristine natural resources. It is incumbent upon the Energy Facility Siting Board to require that Invenergy identify alternative sites.

Indeed, it goes without saying that the area is completely out of character for this proposed power plant. The George Washington Management Area, Casimir Pulaski Memorial State Park, the Buck Hill Management Area, and the Black Hut Management Area are all in the immediate vicinity. The proposed site is also in the immediate vicinity of numerous pristine bodies of water including Wilson’s Reservoir, Wakefield Pond, Round Lake, Wallum Lake, Pascoag Reservoir/Echo Lake, Pulaski Pond, Bowdish Reservoir and Lake Washington. These are unquestionably some of Rhode Island’s last, great, inland natural resources. To put these natural resources at risk by siting a colossal power plant in the middle of them would be unconscionable.

We also express opposition to this proposed power plant on behalf of the residents and staff of Zambarano Hospital, which is located only a short distance up the road from the proposed site. We view as sacrosanct our obligation to speak on behalf of the patients at Zambarano, many of whom lack the capacity to speak on their own behalf. Our friends at Zambarano are the very people that government exists to protect – government should not now put them in harm’s way.

Our concerns with regard to Zambarano are twofold. First, the hospital’s water supply is drawn directly from Wallum Lake. That water supply must be protected. Second, in the event of a catastrophe at the proposed power plant, it seems highly unlikely that the nearly 120 patients at Zambarano could possibly be evacuated in a safe manner. We understand the likelihood of such an event is low. Should it come to pass, however, the humanitarian crisis it would create would be unfathomable.

Further, each of us has the privilege of representing the good people of Glocester in addition to Burrillville in the General Assembly. For our Glocester constituents, this proposed power plant promises only burden, without any corresponding benefit. For example, we have serious concerns that during the proposed construction of this power plant, traffic flow through the historic village of Chepachet would be unworkable. The village of Chepachet is already burdened with heavy traffic during peak times.

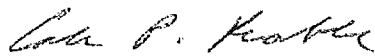
Our concerns regarding traffic extend not only to Gloucester, but also to Burrillville and in particular to those living on Route 100. Obviously, the sheer amount of heavy traffic that would be involved in building the proposed power plant would be incredibly burdensome for anyone living on Wallum Lake Road. Our peaceful town would be subjected to nuisance activity of all kinds: congestion, noise, light, and, in all likelihood, dropping property values.

It is also clear that the developer has failed to meet the three (3) requirements set forth in RI Gen. Laws § 42-98-11(b) for obtaining approval from the Energy Facility Siting Board. First, based on the environmental impact and the requirement that the state increase its use of alternative energy facilities, it is clear that “energy of the type to be produced by the proposed facility” is not needed. Second, the proposed facility is not “cost-justified” from any perspective, including its negative impact on the health, safety and welfare of the hundreds of nearby residents and the environmental devastation that will result. Thirdly, it is also clear that the proposed facility will “cause unacceptable harm to the environment.”

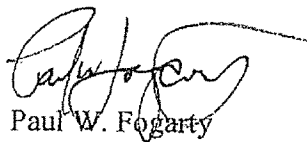
Finally, as a matter of law, this board has testimony that approval of Invenergy’s application would be inconsistent with the Resilient Rhode Island Act of 2014, RI Gen. Laws § 42-6.2 *et seq.*, which both of us were proud to support as legislators. As you know, that Act calls for reductions of greenhouse gas emissions by 25% below 1990 levels by 2025, 50% below 1990 levels by 2035, and 85% below 1990 levels by 2050.

For all of the above reasons, as well as numerous others, we request on behalf of our constituents that you deny Invenergy’s application.

Thank you.



Cale P. Keable
State Representative
District 47 (Burrillville, Gloucester)



Paul W. Fogarty
State Senator
District 23 (Burrillville, Gloucester, North Smithfield)

cc: The Honorable Gina Raimondo