

**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)**

INVENERGY THERMAL DEVELOPMENT LLC’S STATUS REPORT

I. INTRODUCTION

On October 13, 2016, Invenergy Thermal Development LLC (“Invenergy”) appeared before the Rhode Island Energy Facility Siting Board (“EFSB” or “Board”) pursuant to a Show Cause Order issued on October 3, 2016. The Board determined that, pursuant to R.I. Gen. Laws § 42-98-16(a), the proceedings should be suspended for ninety days in order to allow Invenergy the time to remedy its Application regarding Invenergy’s water source and a water supply plan. *See* EFSB Order, No. 103, dated October 20, 2016. The Board also ordered Invenergy to provide a written status update in sixty days. *Id.* The status of developing the details for a new water supply plan are provided below.

Invenergy would also like to update the Board on the status of other matters concerning Invenergy’s Application. Additional updates are described below regarding the following: (1) status of agreements with the Town of Burrillville (“Town”); (2) status of the Land Purchase Option; (3) status update on information provided to agencies; and (4) status update on design changes.

II. WATER SUPPLY PLAN UPDATE

As described in the joint letter, attached as **Exhibit A**, Invenergy is working with representatives of the City of Woonsocket to review the feasibility of purchasing water from the City of Woonsocket (“New Water Source” or “City”) for water supply to the Clear River Energy

Center (“CREC” or “Project”). Invenergy has retained legal counsel, W. Mark Russo, of Ferrucci Russo, P.C., to represent the company. Invenergy’s engineering consultants are working with the City’s Department of Public Works on developing the details and data to be included in the new water supply plan.

The proposal Invenergy is discussing with the City would have water supply in the form of potable, treated water, and the design that is being worked on involves a new dedicated water pipeline from the City’s water supply to the CREC Project. The change in water supply source would result in slight changes to the design of the Project’s water treatment system. For example, the Woonsocket water has a different chemistry associated with it than that of the Pascoag Utility well 3A, and as such, its use is expected to require a slight change in the design of the onsite water treatment system with the addition of a green-sand filter to remove iron, as will be described in more detail in the plan. This plan is expected to lead to minor adjustments of the daily water flows for the Project. These adjustments will be described in detail in the water plan. This new design plan is not anticipated to change the water demand for the limited instances where the Project will need to utilize back-up oil, as Invenergy believes it can configure the system to maintain the original flow.

The proposal would involve the installation of a dedicated new pipeline from Woonsocket to the Project that would be constructed on state highways and roads. Regarding the design for the proposed water supply pipeline, the approach that is being developed by Invenergy’s consultants propose the installation of a new, approximately fourteen (14) mile-long pipeline from the City’s water system from Woonsocket, with a new pumping station to be located in Woonsocket. The details of the proposed pipeline and new pumping station will be provided in the revised water supply plan.

For the water discharge/wastewater, Invenergy continues to work on the wastewater characterization based on the revised water quality and the supply and discharge quantities. The new supply is also expected to include typical treatment of the water at the pump station with the injection of standard chemicals the City currently employs for use in its water distribution system. CREC's water discharge plan is unchanged and would discharge wastewater to the Town of Burrillville's Sanitary Sewer System by the use of a new forced main that will run from the Project to a sewer connection at the corner of Wallum Lake and Old Wallum Road.

For the estimate of the plant's wastewater discharge using Woonsocket's water supply, it is anticipated that CREC's wastewater discharge flows will also have a minor adjustment that will be described in the plan. CREC's wastewater will meet the Environmental Protection Agency's ("EPA's") Categorical Effluent Standards without pretreatment and will fully comply with any additional effluent limits established by the Industrial Wastewater Discharge Permit. This revised plan and an Industrial Waste Water Discharge Permit Application will be forwarded to the Burrillville Sewer Commission and the Rhode Island Department of Environmental Management ("RIDEM") for review. Invenergy is also evaluating other wastewater discharge options to include the option of reducing or eliminating wastewater discharge to the Burrillville Sewer System. These options will be described in the water plan.

As an alternative, Invenergy approached both the Harrisville Water District ("HWD") and the Providence Water Supply ("PWS"). HWD indicated that it had the potential for the development of a new well field that could potentially provide CREC's water needs, but after further consideration, HWD voted not to proceed with this option. Invenergy met with PWS, and it appears that PWS has sufficient capacity. Invenergy discussed the feasibility of providing water via a new pipeline. This pipeline would be longer than the pipeline from Woonsocket to

CREC. It was noted that the connection point was within another municipality creating additional timing challenges. Accordingly, Woonsocket was determined to be the better option at this time, given the timing and logistical challenges associated with PWS.

Alternatively, Invenergy is exploring the option of reducing the water needs of the Project by reducing and recycling its wastewater. This would be accomplished by using demineralized water treatment trailers (included in CREC's initial design), which do not create onsite wastewater, but rather generate treated water for process use without generating a wastewater stream from the demineralized water treatment system, unlike the reverse osmosis system that CREC is currently employing. This would be combined with a new treatment system that would be added to treat other wastewaters that are generated (steam-cycle blowdown and oil-water separator water discharge) and would create additional process water. The net effect of using this approach would be a significant reduction in daily water demand by the Project, to the point that trucking water for process use may be feasible.

Further details on the water supply plan are being developed for submission to the Board, which will include, at minimum, the items outlined in the joint letter from the Town to the Board, dated October 5, 2016 and which will be provided to the Board pursuant to the Order dated October 20, 2016.

III. UPDATE ON STATUS OF AGREEMENTS WITH THE TOWN

On November 3, 2016, the Burrillville Town Council unanimously voted to approve the following negotiated agreements reached between the Town and Invenergy: (1) Tax Agreement; (2) Decommissioning Agreement; (3) Property Value Guarantee Agreement and (4) the Opt-Out Agreement. A copy of all these agreements were filed with the EFSB in a joint filing on November 21, 2016.

IV. UPDATE ON STATUS OF LAND PURCHASE OPTION

The Town recently requested that Invenergy update the Board regarding the status of the Land Purchase Option (“Option”) for the Project site on the Algonquin/Spectra property in Burrillville, R.I. The status of the Option is as follows:

The Option’s initial twelve (12) month term began on December 19, 2014. Section 4 of the Option authorized Invenergy to extend the term for two (2) additional twelve (12) month terms, the latter of which would extend the term up to December 19, 2017. These extended terms were implemented automatically upon the payment of the agreed upon fee for the requisite Option extension period. The Option is therefore in full force and effect up to December 19, 2017. This is confirmed by the property owner, Spectra, in the letter attached as **Exhibit B**.

V. UPDATE ON INFORMATION PROVIDED TO AGENCIES

A. Town of Burrillville Building Inspector

Board Rule 1.13(d) recognizes that final designs for building, construction and occupancy permits are not expected to be submitted until after the final Board licensing decision is issued. *See* EFSB Rule 1.13(d)(“The grant of a Board License in favor of the application shall constitute a granting of all licenses which would, absent the Act, be required for the facility *except for building, construction and occupancy permits for which final designs will not be executed until after the final decision is issued*”)(emphasis added). Nonetheless, in response to comments and requests for information concerning the design from the Building Inspector for the Town of Burrillville in his Advisory Opinion, on October 14, 2016, Invenergy mailed the Building Inspector a set of conceptual plans and drawings (“Drawing Package I”). *See* **Exhibit C**.¹ Drawing Package I included conceptual site plans, general arrangement plans and proposed

¹ On November 9, 2015, Invenergy submitted a drawing package to the Board, as part of its Supplemental Filing to the EFSB Application.

section views of the CREC Administration and Control Buildings, conceptual plans detailing the preliminary specifications that the buildings will be designed to, and the preliminary site grading, drainage and proposed plans to support the CREC's storm water management plans.

While final designs and construction plans will need to await the final review on Invenergy's application for a license with the Board and RIDEM permit reviews, Drawing Package I also included representative drawings from one of its sister projects (Lackawanna Energy Center, in Pennsylvania). This Pennsylvania project is utilizing the same power generation equipment and is designed in a similar configuration to what is anticipated for CREC. The Pennsylvania project has commenced construction. *See Exhibit C.*

On November 02, 2016, Invenergy also mailed the Building Inspector another drawing package ("Drawing Package II"). *See Exhibit D.* This Drawing Package II included additional proposed drawing plans for the Project's Soil Erosion and Sedimentation Control ("SESC") Plan.²

B. Rhode Island Department of Transportation

Invenergy's consultants are developing the documents that will be presented to the Rhode Island Department of Transportation ("RIDOT") for the required utility construction road permit application, which will need to include the route for the proposed water supply.

In the meantime, to support a separate road cut for a new access road, Invenergy filed the Physical Alteration Permit ("PAP Permit") for the proposed new access road to the Project with RIDOT.³ This was submitted to RIDOT on December 7, 2016. This PAP application also

² The Preliminary Soil Erosion and Sediment Control Plan documents that are being developed to support the Rhode Island Department of Environmental Management Rhode Island Pollutant Discharge Elimination System ("RIPDES") Permit, was also filed with the Board on November 2, 2016, with a copy delivered to the Town.

³ For the access road, there have been requests that Invenergy utilize the existing Spectra/Algonquin road (which have not been authorized by Spectra to date), instead of constructing a new road to access the Project site.

included the traffic study that was previously filed with the Town Planning Board, the EFSB Board and previously sent to RIDOT.⁴

C. Rhode Island Department of Environmental Management

Invenergy and its consultants have been working with National Grid and their consultants over the past year to assist with the preparation of a combined RIDEM Freshwater Wetlands application for the Project, to include the power plant and the transmission line. This application is still in process and requires input from National Grid which Invenergy has been working diligently to expedite. This application is expected to be submitted in the near term.⁵ This combined application will include a wetlands impact analysis for both the power plant, the transmission line and the proposed water pipeline, to the degree it has impacts. The impact analysis for the transmission line will also be filed as part of National Grid's separate transmission line EFSB application, which they are preparing at this time. The application to Alter Freshwater Wetlands will include a Water Quality Certification and RIPDES Construction General Permit and Multi-Sector General Permit for Industrial Stormwater Applications. This application will also include the Project facility, the proposed Project transmission line tie in to National Grid, the National Grid new transmission line, and each of the proposed Project utility lines (water supply, natural gas and wastewater).⁶

⁴ Similar to final building and construction permits, final RIDOT alteration and utility permits may need to be updated to reflect any final licensing decisions rendered by the Board or RIDEM. *See* EFSB Rule 1.13(d) ("The grant of a Board License in favor of the application shall constitute a granting of all licenses which would, absent the Act, be required for the facility except for . . . other state or local licenses that may, by their nature, be applied for and/or received after a Board License is granted").

⁵ Previously, on August 30, 2016, Invenergy filed with the Board a Wetlands Addendum to the CREC Application (with regard to the Project facility located on Spectra property).

⁶ Additionally, on September 27, 2016, Invenergy filed with the Board a Preliminary Stormwater Management Plan, as well as a Preliminary Soil Erosion and Sediment Control Plan. These documents are being finalized for submission to RIDEM in support of the RIDEM permits identified in this status report.

The CREC Project Team met with RIDEM's Office of Air Resources and Office of Water Resources personnel recently, on December 8, 2016, to discuss the status of the Project permit applications. The Major Source Air Permit Application is currently under review by RIDEM, with the issuance of a draft permit expected by Q2 of 2017.

VI. STATUS OF PROJECT DESIGN CHANGES

Invenergy would also like to update the Board concerning further design changes for the Project that are being developed, in response to comments and further input. These changes are summarized below. Further details on these design changes will be presented in updated materials along with the revised water supply plan. Invenergy will update its EFSB application materials to reflect these changes in design.

A. Oil Storage Tanks

The configuration of the fuel oil storage tanks for CREC is being modified to relocate the tanks closer to the administration building and away from the wetland buffer area. The revised design will include a single tank of two million gallons, instead of two tanks of one million gallons each. The tank will be relocated and the containment berm will be re-designed to hold a capacity of 110% of the volume of the single tank.⁷

B. Ammonia

The aqueous ammonia design will be changed to reduce the size of the tank from 40,000 gallons to 27,000 gallons. The design of this system will also be modified to include an automatically activated water spray system that will dilute any ammonia, should a rupture or leak occur. This modification will reduce the maximum aqueous ammonia concentration in the event of a spill within the containment area.

⁷ On September 15, 2016, Invenergy submitted its RIDEM Major Source Air Permit Application Addendum to reduce the number of days authorized for utilizing ULSD (from 30 days per turbine to 15 days per turbine).

C. Lighting

Based on comments received concerning the lighting aspects of the Project, CREC is developing a conceptual Lighting Plan for the CREC facility. A visual assessment showing the Project during both daytime and nighttime periods, from several different viewpoints is being developed and will be provided in a supplemental submittal.

D. Site Plan

In response to comments and concerns raised by the Burrillville Building Inspector and Zoning Official, Invenergy is revising the Site Plan to avoid any portion of the site being located within a designated aquifer recharge zone (the A-80 Zone).

Respectfully submitted,

INVENERGY THERMAL DEVELOPMENT LLC

By Its Attorneys:

/s/ Alan M. Shoer
Alan M. Shoer, Esq. (#3248)
Richard R. Beretta, Jr., Esq. (#4313)
Nicole M. Verdi, Esq. (#9370)
ADLER POLLOCK & SHEEHAN, P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903-1345
Tel: 401-274-7200
Fax: 401-751-0604

Dated: December 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2016, I delivered a true copy of the foregoing responses to the Energy Facilities Siting Board via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer