

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

In re: Rhode Island LFG Genco (“Ridgewood”) :
d/b/a National Grid’s Notice of Intent : **Docket No. SB-2009-1**
To Construct Power Line :

DECISION AND ORDER

I. Introduction.

On February 10, 2009, Rhode Island Genco, an affiliate of Ridgewood Renewable Power LLC (“Ridgewood” or the “Company”) filed a Notice of Intent Application with the Energy Facility Siting Board (“EFSB” or “Board”) pursuant to the Board’s Rule 1.6(f). Ridgewood proposes to construct a 0.5 mile 115 kV transmission line for the purpose of interconnection of its proposed new waste-to-energy facility to National Grid’s (“NGrid”) transmission facilities. The proposed project will be constructed entirely over land owned by Rhode Island Resource Recovery (“RIRRC”).

II. Travel of the Case.

This case has been filed with the EFSB under Rules 1.6(f) through 1.6(h) which provides an expedited review process for (i) the construction of a power line of more than 1,000 feet, but less than 6,000 feet in length or (ii) the modification or relocation of a power line.¹ For such projects, the EFSB Rules provide for an abbreviated application (Rule 1.6(f)) followed by a public hearing “in one or more of the cities or towns affected by [the] application” (Rule 1.6(g)). Thereafter, the Board reaches a determination within sixty (60) days of the filing as to whether

¹ Under the Energy Facility Siting Act (R.I. Gen. Laws § 42-98-1 et seq.), the Board’s jurisdiction over power lines is limited to those of 69 kV and above. R.I. Gen. Laws § 42-98-3(d).

the Project “may result in a significant impact on the environment or the public health, safety and welfare,” thereby requiring full EFSB review. Rule 1.6(h). The “construction of a new power line which is more than 1,000 but less than 6,000 feet in length ... shall not be an alteration unless the Board determines that the project may result in a significant impact on the environment or on the public health, safety and welfare.” Rule 1.2(d). If the Board determines that the project will not result in a significant impact on the environment or the public health, safety and welfare, the project does not constitute an “alteration” and the project may proceed without further review by the Board. Rule 1.2(d) and Rule 1.6(f).

As required by Rule 1.6(g), the Board held a hearing on April 1, 2009 at 6:00 P.M. at the Rhode Island Resource Recovery Corporation (“RIRRC”) Administration Building, 65 Shun Pike, Johnston, Rhode Island pursuant to public notice. Ridgewood presented two witnesses. The first was Stephen Galowitz, Ridgewood’s Managing Director, who described the Project and its need. The second witness was Greg Klabon, a principal engineer with EIG Group, who testified about the proposed looping system. Dr. Sullivan² solicited public comment at the hearing, but none was offered.

III. Statutory Standard.

As noted previously, the Board must determine whether the Project “may result in a significant impact on the environment or the public health, safety and welfare.” If the Board determines that it may have such an impact, it will determine that the Project would constitute the alteration of a major energy facility and be subject to the full EFSB permitting process. If the

² Chairman Elia Germani was unable to attend the hearing. Dr. W. Michael Sullivan presided over the hearing with Mr. Kevin M. Flynn.

Board determines that the Project will not have such an impact, the applicant is authorized to proceed with the Project.³

IV. Project Description.

At the present time, Ridgewood operates three plants with a total net capacity of approximately 20.5 megawatts located at the Central Landfill in Johnston. The facilities convert methane gas into electricity. RIRRC is expanding the existing Central Landfill which necessitates Ridgewood's need to decommission its existing 12 megawatt waste-to-energy facility and construct a larger one located on RIRRC property. The new facility will have a 41 megawatt capacity ("New Waste-to-Energy Plant"). Ridgewood needs the proposed 115 kV power line interconnect project to connect the New Waste-to-Energy Plant to the existing transmission grid. To accomplish this interconnection, Ridgewood needs to intercept with NGrid's existing 115 kV transmission line and proposes to construct a 115 kV loop into a new 115 kV switchyard. All of this will be accomplished on property owned by RIRRC.⁴

A. Need for the Project

Ridgewood identifies the need for the Project being required by RIRRC's critical need in order to accommodate expansion of the landfill. Ridgewood asserts that the landfill expansion cannot proceed until its 12 megawatt facility is decommissioned and removed. It cites Rhode Island's goal of promoting the development of renewable energy resources and the creation of more renewable energy credits to stimulate investment and development of renewable energy to benefit Rhode Island pursuant to R.I. Gen. Laws §39-26-1 *et seq.*⁵

³ Energy Facility Siting Board Rules of Practice and Procedure 1.6(h).

⁴ Ridgewood Exhibit 1, Notice of Intent to Construct Power Line, filed February 10, 2009 at 3-6.

⁵ *Id.* at 6-8.

B. Project Description and Construction Practices

Ridgewood proposes a loop consisting of two 115 kV lines and a 115 kV switchyard with a new dedicated generator step-up transformer for connection of the new generation to the switchyard all on land owned by RIRRC. Stephen Galowitz, Managing Director of Ridgewood testified about the Project and how it requires the new transmission line. Mr. Galowitz described the line as between a third and a half mile. He noted that the proposed above-ground line will consist of a loop of 115 kV in and out of the existing transmission corridor and in and out of a new substation. The entire project will run over land currently owned by RIRRC.⁶

Greg Klabon, a principal engineer with EIG Group, also provided testimony describing the proposed loop system. He noted that the proposal would intercept National Grid's transmission line by breaking it in the right-of-way to create the loop that would come in and out of the proposed switch area. He described the single pole steel towers with three arms on one side that will run through the 120 foot wide transmission line easement as being approximately 75 feet in height. He pointed out that the actual height of the towers would be determined upon final design of the transmission line. When asked about whether the vertical configuration was the most cost effective and efficient, Mr. Klabon stated that it was, considering the amount of land available and pointed out that the land available would not support a horizontal configuration.⁷

Mr. Klabon testified that Ridgewood was currently engaging in a system impact study with National Grid and ISO New England to completely study the reliability impacts that its project would have on the transmission system. He anticipated completion of the study in the

⁶ Transcript of April 1, 2009 hearing at 10-19.

⁷ *Id.* at 23-25.

beginning of May. Mr. Galowitz represented that Ridgewood and National Grid were in agreement that the loop configuration was the best one and made the most sense.⁸

V. Impact of the Project upon the Environment and Public Health, Safety and Welfare

The Project consists of constructing a new 115 kV transmission line. The Project's purpose is for the interconnection of Ridgewood's proposed new waste-to-energy facility to National Grid's transmission facilities. The proposed Project will be constructed entirely over land owned by Rhode Island Resource Recovery ("RIRRC").⁹ The project will involve erecting single pole steel towers with three arms on one side that will run through the 120 foot wide transmission line easement as being approximately 75 feet in height. The entire Project will take place on property owned by RIRRC.¹⁰

Ridgewood stated that because the Project will occur entirely on RIRRC property and will only be approximately 0.5 miles in length, there is no need for a more detailed analysis of the baseline conditions and scientific research pertinent to electromagnetic fields pursuant to Rule 1.6(f)(3) of the Siting Board's Rules. Furthermore, Ridgewood asserted that the Project will not constitute an alteration, because it is an integral component of an exempt facility and because it will not cause a significant impact on the environment or the public health, safety and welfare.¹¹

⁸Transcript at 25-27. The Board has no independent confirmation of any agreement with National Grid beyond Ridgewood's oral representations. In fact, during the hearing, Ridgewood acknowledged that without the agreement of National Grid, it cannot proceed with its Project. Transcript at 37.

⁹ Ridgewood Exhibit 1 at 3.

¹⁰ Transcript at 24.

¹¹ Ridgewood Exhibit I at 6, 8.

VI. Conclusion

The Board finds Ridgewood's assertion that the Project does not constitute a major energy facility to be without merit. The statute is clear and defines a "major energy facility" to include "transmission lines of sixty-nine (69) Kv or over...." R.I. Gen. Laws §42-98-3(d). The law provides no exception.

Furthermore, the testimony and exhibits presented by the Ridgewood's witnesses do not demonstrate that the proposal to construct the new 115 kV transmission line will not result in a significant impact on the environment or on the public health, safety and welfare. Failure to provide the Board with a system impact study and an agreement between Ridgewood and National Grid as to the how the 115 kV transmission line will interconnect with National Grid's transmission line prevents the Board from concluding that the proposed interconnection will not adversely affect reliability or result in a significant impact on the environment or on the public health, safety and welfare. Therefore, the Board finds that Ridgewood's proposal constitutes an alteration requiring further review. The Board's hearing shall be limited to the issue of reliability and the interconnection with National Grid's transmission line and shall occur within thirty (30) business days of the date that Ridgewood files the system impact study and agreement with National Grid with the Board.

Accordingly, it is:

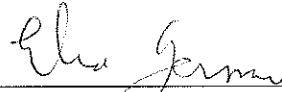
(62) ORDERED:

1. The Energy Facility Siting Board shall treat Ridgewood's application for a license under Chapter 98 of Title 42 for authority to construct a 115 kV transmission line as previously described as an alteration requiring further Board review.

2. Ridgewood shall provide the Energy Facility Siting Board with the system impact study and an agreement with National Grid immediately upon its completion.

DATED AND EFFECTIVE at Warwick, Rhode Island on April 20, 2009 pursuant to an open meeting decision. Written Order issued May 14th, 2009.

ENERGY FACILITY SITING BOARD



Elia Germani, Chairman



Kevin M. Flynn, Member



W. Michael Sullivan, Ph.D., Member

