

Schacht & McElroy

*Michael R. McElroy
Leah J. Donaldson*

Attorneys at Law

*Michael@McElroyLawOffice.com
Leah@McElroyLawOffice.com*

*Members of the Rhode Island
and Massachusetts Bars*

*21 Dryden Lane
Post Office Box 6721
Providence, RI 02940-6721*

*(401) 351-4100
fax (401) 421-5696*

March 21, 2019

Todd A. Bianco, Ph.D.
Coordinator
Rhode Island Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

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

Dear Dr. Bianco:

Enclosed for filing in this matter are an original and six copies of the Town of Burrillville's Supplement to its Motion to Admit Blackstone Heritage Corridor's Letter as a Full Exhibit. Electronic copies have been sent to the service list.

If you need any further information, please do not hesitate to contact me.

Very truly yours,



Michael R. McElroy

cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

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

**TOWN OF BURRILLVILLE'S SUPPLEMENT TO MOTION TO ADMIT
BLACKSTONE HERITAGE CORRIDOR'S LETTER AS A FULL EXHIBIT**

The Town of Burrillville ("Town") has moved to admit Blackstone Heritage Corridor's Letter to the EFSB dated August 25, 2016 ("BHC Letter") as a full exhibit. The Town hereby files this Supplement to its Motion, and states as follows:

The EFSB has turned to the Blackstone Heritage Corridor Commission ("BHC") for its expertise regarding potential adverse environmental impacts of a proposed power plant within the Blackstone Heritage Corridor in at least two previous dockets.¹

When the EFSB issued its preliminary order in response to the application of AES/Riverside, Inc. seeking to construct a power plant in Woonsocket, the EFSB requested an advisory opinion from the BHC. The EFSB Order states, in relevant part:

In addition to the forgoing, the Board in its discretion is requesting informational advisory opinions from the agencies listed below [...] (vii) Blackstone River National Heritage Corridor Commission ("BRNHCC") and National Park Service ("NPS"). The BRNHCC and NPS are requested to render an advisory opinion as to the potential adverse impact of the facility upon the development of the Blackstone Linear Park and upon their respective master plans.

EFSB Docket SB-88-1, Order 8 (March 13, 1989) (see Supplemental Exhibit 1, attached).

In addition, when the EFSB granted a license to Ocean State Power ("OSP") to construct its power plant in Burrillville, OSP's license was subject to the following condition:

"Architectural plans for the pumphouse at the Blackstone River shall be reviewed with the

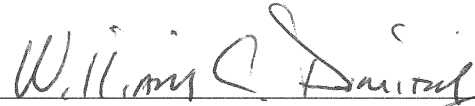
¹ As noted in the Town's Motion, Blackstone Heritage Corridor, Inc. stepped into the shoes of the Commission following the 2014 Amendment to the Blackstone River Valley National Heritage Corridor Act of 1985 ("Act"). Pub. L. 99-647, 100 Stat. 3625; Pub. L. 113-291 §§ 3031, 3052. Blackstone Heritage Corridor, Inc. is charged with fulfilling all statutory duties previously assigned to the BHC.

Blackstone Valley National Heritage Corridor Commission and the Department of Environmental Management Division of Planning and Development.” EFSB Docket SB-87-1, Order 7 (October 25, 1988) (see Supplemental Exhibit 2, attached).

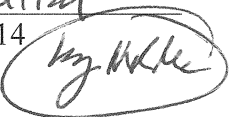
The EFSB has therefore acknowledged the authority, expertise and relevancy of BHC’s input in previous power plant dockets. The BHC Letter that the Town seeks to admit was drafted and submitted under the same federal statutory authority as that previously acknowledged by the EFSB.

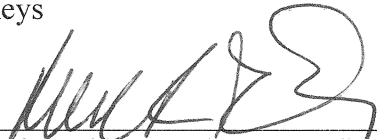
Therefore, for the reasons given and upon the authorities set forth above and in the Town’s Motion, the Town moves to have the BHC Letter admitted as a full exhibit in EFSB Docket No. SB-2015-06.

Respectfully submitted,
Town of Burrillville
By its attorneys



William C. Dimitri, Esq. #2414
Town Solicitor
462 Broadway
Providence, RI 02909-1626
Tel: (401) 474-4370
Fax: (401) 273-5290
dimitrilaw@icloud.com






Michael R. McElroy, Esq. #2627
Leah J. Donaldson, Esq. #7711
Special Counsel
21 Dryden Lane
P.O. Box 6721
Providence, RI 02940-6721
Tel: (401) 351-4100
Fax: (401) 421-5696
Michael@McElroyLawOffice.com
Leah@McElroyLawOffice.com

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2019, I sent a copy of the foregoing to the attached service list.



Michael R. McElroy

Supplemental Exhibit 1

Excerpt from EFSB Order 8

Docket SB-88-1

Order 8 - AES Riverside: Preliminary Decision

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

In RE:

APPLICATION OF AES/RIVERSIDE,
INC. FILED November 14, 1988 TO SITE
AND CONSTRUCT A MAJOR ENERGY FACILITY.

DOCKET NO. SB-88-1

PRELIMINARY DECISION AND ORDER

I. INTRODUCTION

On November 14, 1988 AES/RIVERSIDE, INC., a Delaware corporation with its principal place of business in Arlington, Virginia ("AES"), filed with the Energy Facility Siting Board ("EFSB" or "Board") an application to site and construct a cogeneration facility in Woonsocket, Rhode Island capable of generating approximately 180 megawatts (MW) of electricity (the "Facility"). The application was docketed on December 14, 1988 and after public notice a preliminary Hearing convened on February 10, 1989.[1 Notice of the docketing and preliminary hearing was published in the Providence Journal and Woonsocket Call and was sent directly to the following agencies, stations and organizations: The Army Corps of Engineers, The Federal Aviation Administration, The U.S. Environmental Protection Agency, The Federal Energy Regulatory Commission ("FERC"), the Department of Transportation, the Department of Environmental Management ("DEM"), the City of Woonsocket Zoning Board of Review, Building Official's Office, and City Council, The Woonsocket Regional Wastewater Commission, the Statewide Planning Program, the Governor's Office of Energy Assistance ("GOEA"), the Audubon Society of Rhode Island, and the Coastal Resources Management Council.] The purpose of such preliminary hearing was to determine the issues to be considered by the Board in evaluating the application of AES and to designate those agencies in state government and political subdivisions of the state that will act at the direction of the Board for the purpose of rendering advisory opinions on such issues, to determine petitions for intervention, and other matters relevant to the issuance of a preliminary decision in this proceeding. The following counsel entered appearances at the preliminary hearing:

For AES

Gregory L. Benick, Esq.
Michael Donegan, Esq.
Hinckley, Allen, Snyder & Comen

For the Division of Public Utilities and Carriers,
GOEA and Division of Planning

Ralph E. Iannitelli, Esq.

For DEM

Howard Cohen, Esq.

For Ocean State Power Company ("OSP")

AES facility will use substantial amounts of water, comments by several parties focused on the impact of withdrawal of such volumes of water on the ultimate water supplies in the Blackstone River Basin and throughout the state. The Board will review and consider the potential adverse impacts upon water quality, including effects upon drinking water supplies and wells, as well as potential effects upon overall water quantities for recreational, wildlife, and drinking purposes both downstream and throughout the state. Of particular concern will be the potential impacts of the diversion and use of the treated effluent from the Woonsocket Regional Waste Water Treatment Plant. The issue of water supply effects will be considered in conjunction with the question of overall environmental impact in the EID, and also in advisory opinions, as set forth below in Section VII.

VI. EXEMPT LICENSES

The Board finds the following licenses to be exempt from its jurisdiction, Id. at Sec.42-98-7 (A):

i) Department of Environmental Management:

a) Freshwater wetland alteration permits issued pursuant to the Freshwater Wetlands Act. R. I. Gen. Laws Sec. 2-1-18, et seq.

b) Air pollution prevention of significant deterioration permit for construction of a facility which will discharge air pollutants from the combustion of natural gas and low sulfur fuel oil. Such permit is issued by authority delegated to DEM pursuant to the Clean Air Act. 42 U.S.C. Sec. 7401, et seq. R. I. Gen. Laws, Sec. 23-23-1, et seq., and water quality certification authority delegated to DEM by the Environmental Protection Agency pursuant to the Clean Water Act.

c) Rhode Island Pollution Discharge Elimination System permit for point source discharge is issued by authority delegated to DEM by the Environmental Protection Agency pursuant to the Clean Water Act. 33 U.S.C. Sec. 1251, et seq.

d) Approval of alterations of freshwater wetlands pursuant to R. I. Gen. Laws Sec. 2-1-18, et seq., including erosion and sediment control plans.

ii) Coastal Resources Management Council

a) The Coastal Resources Management Council ("Council") has the authority to issue a waiver or require assent to the AES facility if the Council finds that the AES facility is related to a water area under the Council's jurisdiction or if there is a reasonable probability of the AES facility damaging the coastal environment or conflicting with a Council plan or program. R.I. Gen. Laws Sec. 46-23-6 (B).

The Chairman of the Energy Facility Siting Board, by correspondence dated December 23, 1988 and January 10, 1989, respectively, has requested that DEM and the Council give priority to the review of permits for the AES facility. R.I. Gen. Laws, Sec. 42-98-10 (E).

VII. ADVISORY OPINIONS

A. DESIGNATED AGENCIES AND MANDATORY OPINIONS

The following agencies and subdivisions of state and local government which, absent the Act, would have the authority to act upon permits, licenses, assents or variances required for the Facility (the "Designated Agencies") shall act at the direction of the Board in issuing the advisory opinions designated below. All potential Designated

Agencies were initially identified by the parties in their initial memoranda. These agencies were invited to attend the preliminary hearing but, with the exception of DEM, the Statewide Planning Program, the Governor's Office of Energy Assistance and the Division of Public Utilities and Carriers, did not do so.

A Designated Agency shall, to the extent possible, render its advisory opinion pursuant to procedures that would be followed absent the Act and such advisory opinion shall conform to the extent possible to the provisions of the Rhode Island Administrative Procedure Act, R.I. Gen. Laws, Title 42, Chapter 35 (the "APA"), regarding Decisions and Orders. EFSB Rules, Rule 1.11(a). The Designated Agency shall, however, render an advisory opinion, rather than a final decision, regarding the issuance of the license or permit. If the Designated Agency does not issue its advisory opinion within six months after its designation by the Board, the right to render an opinion shall be forfeited. R.I. Gen. Laws, Sec.42-98-10 (A).

The Designated Agencies and their respective Advisory Opinions are as follows:

i) City of Woonsocket Zoning Board of Review

Pursuant to Issues 2B and 2C, the Woonsocket Zoning Board of Review ("ZBR") shall render an advisory opinion as to whether the Facility will meet the requirements of the Woonsocket Zoning Ordinance and, if not, as to whether a variance or special exception should be granted from provisions of the Zoning Ordinance. In the event that the proposed Zoning Ordinance amendment (See AES Initial Memorandum, p.12) is effected such that no action of the ZBR is required, the ZBR shall provide an advisory opinion to that effect to the Board.

ii) City of Woonsocket Office of Zoning Officer and Building Inspector

Pursuant to Issues 2B and 2C, the Office of the Building Inspector shall render an advisory opinion as to whether the proposed Facility will meet the requirements of the Woonsocket Zoning Ordinances and, more specifically, whether building permits and certificates of occupancy should be issued to AES. Unlike the other advisory opinions, however, this advisory opinion will not be required until after the granting of a Board license pursuant to Rule 1.14 of the EFSB Rules.

iii) City of Woonsocket Department of Public Works

Pursuant to Issues 2B, and 2C and 6, the Department of Public Works shall render an advisory opinion as to whether the proposed construction of the Facility in the City of Woonsocket, including pipeline construction, water supply connections and sewage hookups, street alterations and site drainage provisions, will meet the requirements of the ordinances of that city, and more specifically, whether any required permits should be issued therefor. Such advisory opinion should specifically consider the potential adverse impacts of the Facility upon the quantity and quality of water supply for Woonsocket and the State.

iv) Rhode Island Department of Transportation ("DOT")

Pursuant to Issue 3, DOT shall render an advisory opinion as to whether a Physical Alteration Permit should be issued to AES with respect to work necessary to provide access to the State-maintained Manville Road for the proposed railcar unloading facility, and also whether any other DOT permits are required and should be issued for the Facility. In addition, such advisory opinion should specifically consider the potential impacts upon traffic associated with the Facility during construction and operation and the impact of the proposed gas pipelines.

B. OTHER ADVISORY OPINIONS

As discussed in Section III above, the Board has both the obligation and authority to require further advisory opinions from agencies other than those which, absent the Act, would have some specific authority over the Facility. These further opinions fall into two categories: those designated by the Act and those requested in the Board's discretion. Such advisory opinions required by the Act include the following:

(i) The Public Utilities Commission.

As discussed above, the Public Utilities Commission shall conduct an investigation and render an advisory opinion regarding Issues 1 and 2A, as required by Sec. 42-98-9(D).

(ii) The Statewide Planning Program

As also discussed above, the Statewide Planning Program shall conduct an investigation and render an advisory opinion regarding Issue 4 and Issue 5, as required by Sec. 42-98-9(E).

In addition to the foregoing, the Board in its discretion is requesting informational advisory opinions from the agencies listed below, for which there are no applicable license, permit, assent or variance proceeding required for the Facility. In the absence of such a proceeding, the Board requests that each such agency prepare to have a representative appear at the Final Hearing to sponsor the advisory opinion, as well as to sponsor and enter into evidence any factual matters outside of the record of this proceeding that are relied upon in the advisory opinion. At such time, the Parties would have the opportunity to cross-examine such sponsor on the advisory opinion and to consider the admission of any supporting evidence not yet on the record in this proceeding.

(iii) Department of Environmental Management

DEM is requested to render an advisory opinion to the Board as to whether the Facility's fuel oil storage proposal, if in conformance with DEM's Oil Pollution Control Regulations (R.I. Gen. Laws Sec. 42-17.1-1, et seq. and Sec. 46-12-1, et seq.) would present a potential harm to the public safety or environment. DEM also has requested that it be designated to provide an advisory opinion concerning the overall review of impacts of the Facility (DEM Initial Memo, p.1). As AES correctly notes (AES Reply Memo, p.2), however, DEM will have full opportunity as a party in this proceeding to present any and all relevant evidence and argument on the full range of environmental issues considered before the Board. Accordingly, a wide-ranging advisory opinion from DEM will not be requested in this proceeding. DEM is requested, however, to keep the Board informed on an ongoing basis as to the status of its review of applications for permits exempt from the Act.

(iv) Department of Health ("DOH")

The DOH is requested to render an advisory opinion on potential public health concerns relating to the proposed usage of sewage treatment effluent in the cogeneration process at the Facility, including possible effects thereof upon cooling tower emissions.

(v) The Rhode Island Historic Preservation Commission ("RIHPC")

The RIHPC is requested to render an advisory opinion on the potential impact of the Facility upon the Blackstone Canal Register District (R.I. Historical Site No. 1743) elements in the vicinity of the Facility, including visual, noise, access or other effects.

(vi) Acting General Manager of The Rhode Island Water Resources Board (the "RIWRB")

The Acting General Manger of the RIWRB is requested to render his advisory opinion regarding whether water can be supplied to the Facility as proposed in the Application (i.e., from the Woonsocket Regional Wastewater Treatment Plant, Harris Pond, and the Charles Hammond Water Treatment Plant) without unacceptable adverse impacts to the water quality or supply of Woonsocket or the State, as set forth in Issue 6, above.

(vii) Blackstone River National Heritage Corridor Commission ("BRNHCC") and National Park Service ("NPS")

The BRNHCC and NPS are requested to render an advisory opinion as to the potential adverse impact of the Facility upon the development of the Blackstone Linear Park and upon their respective master plans.

(viii) Planning Boards of Woonsocket, Cumberland, Lincoln and North Smithfield (the "Planning Boards")

The Planning Boards are each requested to render an advisory opinion as to whether the Facility would be a land use consistent with each municipality's respective comprehensive plan pursuant to Sec. 45-22.2-7C

Accordingly, it is hereby

(8) ORDERED:

(1) The following state and local agencies and political subdivisions of the state shall act at the direction of the Energy Facility Siting Board for the purpose of rendering advisory opinions on the issues determined by this Preliminary Decision of the Energy Facility Siting Board:

(i) City of Woonsocket Zoning Board of Review;

(ii) City of Woonsocket Office of Building Inspector;

(iii) City of Woonsocket Department of Public Works;

(iv) Rhode Island Department of Transportation;

(v) The Public Utilities Commission;

(vi) The Statewide Planning Program;

(vii) The Department of Health;

(viii) The Rhode Island Historic Preservation Commission;

(ix) The Acting General Manager of the Rhode Island Water Resources Board;

(x) The Blackstone River National Heritage Corridor Commission;

(xi) The National Park Service; and

(xii) The planning Boards of Woonsocket, Cumberland, Lincoln and North Smithfield.

(2) The Coordinator of the Energy Facility Siting Board shall prepare and forward to all agencies designated in paragraph (1) above a certified copy of this Preliminary Decision and Order and a separate written notice of Designation.

DATED AND EFFECTIVE AT PROVIDENCE, RHODE ISLAND THIS 13th DAY OF MARCH, 1989.

ENERGY FACILITY SITING BOARD

James J. Malachowski,
Chairman

Daniel W. Varin

Robert L. Bendick

Supplemental Exhibit 2

Excerpt from EFSB Order 7

Docket SB-87-1

Order 7 - Ocean State Power: Final Decision and Order

STATE OF RHODE ISLAND
ENERGY FACILITIES SITING BOARD

IN RE:

APPLICATION OF OCEAN STATE
POWER FILED JANUARY 13, 1987
TO SITE AND CONSTRUCT A MAJOR
ENERGY FACILITY

Docket Number S. B. 87-1

FINAL DECISION AND ORDER

TABLE OF CONTENTS

I. Introduction	1
a. Application	1
b. Energy Facility Siting Board	3
c. Travel	4
d. Legislative Charge	6
e. The Board's Response	8
II. Need	10
a. Regional Increase in Energy Demand	10
b. Public Utilities Commission Advisory Opinion	12
III. Local Government	15
a. Building Permits and Other Technical Permits	15
b. The Advisory Opinions	17
i) Burrillville	17
ii) Woonsocket	19
c. Conclusion	20
IV. Socioeconomic Impact	20
a. The Issues	20
b. Consistency with State Guide Plan	20

detailed analysis, to be equally acceptable, the existence of such sites, even in Rhode Island where the Board has jurisdiction, does not provide a basis to reject the Sherman Farm Road site.

VII MITIGATION/CONDITIONS

Based on the above discussion, the Board will place the following conditions on the siting and construction of the OSP facility:

- 1) If the flow in the Blackstone River at the cooling water intake structure or the nearest gauging station in Woonsocket falls below 102 CFS for a 24 hour period, the Applicant shall take action to mitigate its impact on the river flow. If after another 12 hours (36 hours total) the flow remains below 102 CFS, the Applicant shall reduce its cooling water withdrawal by 50% until such time that the flow in the river reaches 102 CFS. If after an additional 12 hours (48 hours total) the flow in the Blackstone River remains below 102 CFS, the Applicant shall cease its cooling water withdrawal until such time that the flow in the river reaches 102 CFS.
- 2) A real time flow gauge must be installed in the Blackstone River at or near the proposed location of the intake structure. Flow gauge readings must be continuously telemetered to OSP and, if requested to DEM, and made available for inspection by state and federal agency personnel and the public.
- 3) There shall be compliance with all DEM requirements regarding dissolved oxygen mitigation measures.
- 4) If the waste water clarification system or any part of the zero discharge water system fails, the facility must be shut down until such time that the zero discharge system becomes functional.
- 5) Should noise levels at any existing residence, occupied by current residents, exceed 43 dbA, equivalent noise level, the Applicant shall offer to purchase that residential property at fair market value. The Applicant shall develop a protocol in consultation with the Town and neighboring residents which will particularize the method of measurement and the measurement time period.
- 6) A buffer of approximately 300 feet from the fence line enclosing the operational part of the site shall be maintained. If 300 feet extends beyond OSP's property line, OSP shall offer to purchase a conservation easement or the title to property to maintain a 300 foot buffer. OSP shall maintain the buffer area in its natural forested state and shall enhance the existing vegetation with plant species selected to maximize visual screening and noise attenuation.
- 7) The oil pipeline shall be constructed with double walls within the limits of any groundwater aquifer zone.
- 8) The following pipeline construction requirements shall be observed:
 - i) pipeline construction work will be performed under the direction of a registered professional engineer.
 - ii) any work which damages roadway shoulders will require replacement of the entire shoulder.
 - iii) roadway pavement repair will be in accord with Rhode Island Department of Transportation specifications and directions.
 - iv) any pavement markings which are lost as a result of pipeline construction work will be replaced in kind.
 - v) the details of bridge crossings must have prior approval of the Rhode Island Department of Transportation.
- 9) A buffer zone shall be maintained between construction work and the family cemetery and Crow Hollow area on the OSP property.

10) Except where necessary to avoid unreasonable delay, episodic noise events, such as blasting and steam blowdowns, shall be scheduled and notice shall be given so as to cause minimal interference with neighboring residential and business activities.

11) To the extent possible construction traffic approaching the site shall be confined to Sherman Farm Road.

12) Architectural plans for the pumphouse at the Blackstone River shall be reviewed with the Blackstone Valley National Heritage Corridor Commission and the DEM Division of Planning and Development.

13) Construction activities shall be confined to normal working hours so as to cause minimal interference with neighboring residential and business activities unless work outside normal hours is necessary to avoid unreasonable delay.

14) The Applicant shall apply for and obtain all state and local building and construction permits which would be required absent the Board's review of this project.

15) The Applicant shall provide DEM with all necessary designation of individuals and other required information regarding the oil spill prevention and countermeasure plan.

While the Board can issue cease and desist orders and conduct show cause hearings when evidence of non-compliance is presented, EFSB Board Rule of Practice and Procedure No. 1.14 (b), the Board has no permanent staff and no current means of monitoring compliance with the above conditions. The authority to enforce compliance is an empty vessel, unless regular monitoring occurs during construction. To ensure compliance with these conditions, the Board intends to hire a qualified engineer or construction manager, independent of the Applicant, to monitor compliance with the terms of this Decision and Order for the Board. Such engineer or construction manager will be staff of the Board for the purposes of this application and the expenses associated with the engineer or construction manager shall be borne by the Applicant. R.I. Gen. Laws Sec.42-98-17 (B). Therefore as a final condition of the Board license:

16) The Applicant shall pay for all costs incurred by the Board to retain an engineer or construction manager to monitor the Applicant's compliance with the conditions of this Board license during construction.

VIII. CONCLUSION

The Board finds that there is a regional and state need for the electric energy that OSP will produce, that such electric energy is cost-justified and will be produced at the lowest reasonable cost, that the facility will comply with all laws, regulations and ordinances, that the project will enhance the socio-economic fabric of the state and that the environmental impacts of the project are acceptable. Thus subject to the conditions set out above, the Board grants a license to site and construct the two 250 MW generation units described in the OSP application.

This Board license constitutes approval of:

(i) a fuel oil storage permit and a spill prevention and countermeasure plan which, absent the Board's jurisdiction, would be under Department of Environmental Management's jurisdiction,

(ii) a special exception for the siting of the OSP facility in Burrillville and height variances for the OSP building and emission stacks, which, absent the Board's jurisdiction, would be under the Burrillville Zoning Board of Review's jurisdiction, and

(iii) a variance for the siting of the pumphouse and intake structure in Woonsocket, which absent the Board's jurisdiction, would be under the Woonsocket Zoning Board of Review's jurisdiction.

This Board license does not approve and the Applicant must still obtain when necessary:

- (i) Rhode Island Department of Transportation utility and construction permits for the design and construction of oil and water pipelines,
- (ii) Woonsocket Office of Building Inspector and Department of Public Works building and construction permits for the design and construction of water intake and pumphouse structures and oil and water pipelines,
- (iii) Burrillville Office of Building Inspector building and construction permits for the design and construction of the OSP structures and oil and water pipelines,
- (iv) all other necessary state and local building and construction permits and
- (v) all necessary DEM permits.

The Applicant may apply to the Board for approval of any of the above building and construction permits if the appropriate local or state authority does not issue such a required permit in a timely manner, improperly refuses to issue such a permit or places improper or unnecessary conditions on the grant of such a permit.

Accordingly it is hereby

(7) ORDERED:

Ocean State Power is granted a license to site and construct two 250 MW combined cycle generating units at the Sherman Farm Road site in Burrillville, Rhode Island together with appurtenant facilities and oil and water pipelines in Burrillville and Woonsocket, Rhode Island, as described in its January 13, 1987 application as modified during the hearings, and subject to the following conditions:

- 1) If the flow in the Blackstone River at the cooling water intake structure or the nearest gauging station in Woonsocket falls below 102 CFS for a 24 hour period, the Applicant shall take action to mitigate its impact on the river flow. If after another 12 hours (36 hours total) the flow remains below 102 CFS, the Applicant shall reduce its cooling water withdrawal by 50% until such time that the flow in the river reaches 102 CFS. If after an additional 12 hours (48 hours total) the flow in the Blackstone River remains below 102 CFS, the Applicant shall cease its cooling water withdrawal until such time that the flow in the river reaches 102 CFS.
- 2) A real time flow gauge must be installed in the Blackstone River at or near the proposed location of the intake structure. Flow gauge readings must be continuously telemetered to Ocean State Power and, if requested, to the Department of Environmental Management and shall be made available for inspection by state and federal agency personnel and the public.
- 3) There shall be compliance with all Department of Environmental Management requirements regarding dissolved oxygen mitigation measures.
- 4) If the waste water clarification system or any part of the zero discharge water system fails, the facility must be shut down until such time that the zero discharge system becomes functional.
- 5) Should noise levels at any existing residence, occupied by current residents, exceed 43 dbA, equivalent noise level, Ocean State Power shall offer to purchase that residential property at fair market value. Ocean State Power shall develop a protocol, in consultation with the Town of Burrillville and the neighboring residents, to particularize the method of measurement and the measurement time period.
- 6) A buffer of approximately 300 feet from the fence line enclosing the operational part of the site shall be maintained. If 300 feet extends beyond its property line, Ocean State Power shall offer to purchase a conservation easement or the title to property to maintain a 300 foot buffer. Ocean State Power shall make every

effort to maintain the buffer area in its natural forested state and shall enhance the existing vegetation with plant species selected to maximize visual screening and noise attenuation.

7) The oil pipeline shall be constructed with double walls within the limits of any groundwater aquifer zone.

8) The following pipeline construction requirements shall be observed:

i) pipeline construction work will be performed under the direction of a registered professional engineer.

ii) any work which damages roadway shoulders will require replacement of the entire shoulder.

iii) roadway pavement repair will be in accord with Rhode Island Department of Transportation specifications and directions.

iv) any pavement markings which are lost as a result of pipeline construction work will be replaced in kind.

v) the details of bridge crossings must have prior approval of the Rhode Island Department of Transportation.

9) A buffer zone shall be maintained between construction work and the family cemetery and Crow Hollow area on the OSP property.

10) Except where necessary to avoid unreasonable delay, episodic noise events, such as blasting and steam blowdowns shall be scheduled and notice shall be given so as to cause minimal interference with neighboring residential and business activities.

11) To the extent possible construction traffic approaching the site shall be confined to Sherman Farm Road.

12) Architectural plans for the pumphouse at the Blackstone River shall be reviewed with the Blackstone Valley National Heritage Corridor Commission and the Department of Environmental Management Division of Planning and Development.

13) Construction activities shall be confined to normal working hours so as to cause minimal interference with neighboring residential and business activities unless work outside normal working hours is necessary to avoid unreasonable delay.

14) Ocean State Power shall apply for and obtain all state and local building and construction permits which would be required absent the Board's review of this project.

15) Ocean State Power shall provide to the Department of Environmental Management all necessary designation of individuals and other required information regarding the oil spill prevention and countermeasure plan.

16) Ocean State Power shall pay for all costs incurred by the Energy Facilities Siting Board to retain an engineer or construction manager to monitor the Ocean State Power's compliance with the conditions of this Energy Facilities Siting Board license during construction.

DATED AND EFFECTIVE AT PROVIDENCE, RHODE ISLAND THIS 25th DAY OF OCTOBER, 1988.

Mary N. Kilmarx
Chairperson

Daniel W. Varin
Associate Director of Administration for Planning

Robert L. Bendick, Jr.

Director, Department of Environmental Management

0180m

Order 7 - Ocean State Power: Final Decision and Order

Published by ClerkBase

©2018 by Clerkbase. No Claim to Original Government Works.