

August 2, 2016

Via Federal Express/Electronic Mail

Todd Anthony Bianco, EFSB Coordinator
RI Energy Facilities Siting Board
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Warwick, RI 02888

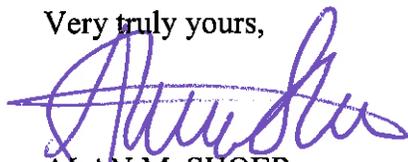
Re: Invenergy Docket No. SB-2015-06

Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC (“Invenergy”), enclosed please find an original and 10 copies of Invenergy’s Supplemental Response to the Energy Facility Siting Board’s Data Request No. 1-1 in connection with the above docket.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosures

cc: Service List

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

**IN RE: Application of
Invenergy Thermal Development LLC's
Proposal for Clear River Energy Center**

Docket No.: SB – 2015-06

**INVENERGY THERMAL DEVELOPMENT LLC'S SUPPLEMENTAL RESPONSE
TO THE ENERGY FACILITY SITING BOARD'S DATA REQUEST NO. 1-1**

EFSB 1-1: Please describe the environmental disturbance expected with the construction and operation of the Clear River Energy Center and detail what mitigation efforts will be engaged to address those disturbances.

RESPONSE 1-1: The potential environmental impacts associated with the construction and operation of the Clear River Energy Center ("CREC" or "the Project") and the mitigation measures to be implemented to minimize those impacts are detailed extensively in Section 6.0 of Invenergy Thermal Development LLC's ("Invenergy") Energy Facility Siting Board ("EFSB") Application and are summarized below.

AIR QUALITY:

The CREC facility will be a major stationary source of criteria pollutants during its operation. However, the CREC will comply with all applicable state and federal air pollution control regulations and air quality standards. CREC will implement the Best Available Control Technology ("BACT") and the Lowest Achievable Emission Rate ("LAER"), as required. Invenergy will purchase Emission Reduction Credits ("ERCs") to fully offset the nitrogen oxides and volatile organic compound emissions from the CREC. Invenergy is also required to obtain allowances for its CO₂ emissions to comply with the Rhode Island CO₂ Budget Trading Program. Invenergy is also required to obtain allowances for its annual SO₂ emissions to comply with the federal Acid Rain Program.

As demonstrated by the air quality impact analysis and health risk assessment completed for the Project, the air quality in the surrounding area will be maintained at levels which have been deemed by the Environmental Protection Agency ("EPA") and Rhode Island Department of Environmental Management ("RIDEM") to be protective of human health and the public welfare, including the most sensitive of the population, with a margin of safety.

There will be minor, temporary, localized impacts to air quality during the construction of the CREC from the operation of construction equipment and vehicles. Invenergy will require its contractors to implement measures to minimize any potential off-site impacts to air quality during CREC construction. These measures will include, but not be limited to, using fuels compliant with EPA specifications, minimizing construction equipment and vehicle idling and using EPA

emissions certified engines. Dust control measures will be implemented during CREC construction as needed, utilizing industry standard best management practices.

GROUNDWATER & SURFACE WATER:

A Spill Prevention, Control, and Countermeasure (“SPCC”) Plan and a Stormwater Pollution Prevention Plan (“SWPPP”) will be developed and implemented to prevent impacts to groundwater or surface water during CREC operation. A Water Quality Certification will also be required. During CREC construction, dewatering will be performed as needed to avoid groundwater impacts. If any contaminated groundwater is encountered in any of the construction areas potentially requiring dewatering, the appropriate state and/or local permits will be obtained to address discharge of off-site management of the pumped water. Invenergy will apply for and obtain a RIPDES Construction General Permit, including a Soil Erosion and Sediment Control (“SESC”) Plan to ensure that area surface waters are adequately protected from potential impacts during construction.

WATER USE & WASTEWATER DISCHARGE:

The CREC, as an air cooled facility, has been designed to minimize water use during its operation. The CREC’s water use and wastewater discharge are detailed extensively in Invenergy’s Energy Facility Siting Board (“EFSB”) Application. The stream depletion analysis completed for the CREC has demonstrated that there will be adequate water supply from Pascoag Utility District (“PUD”) Well 3A, even in the summer months when the river is at its lowest points, to support its operation. Invenergy is working with RIDEM to put in place measures that can be taken to minimize CREC’s water use during its operation if a stream depletion event were to occur.

The wastewater from the CREC, which will be sent to the Burrillville Wastewater Treatment Facility (“BWWTF”), will comply with the EPA’s Categorical Effluent Standards for a Steam Electric Generating Facility without the need for additional pre-treatment. Invenergy will apply for an Industrial Wastewater Discharge Permit from the BWWTF, which will include effluent discharge limits to ensure that the CREC wastewaters will not adversely impact the BWWTF or the receiving water body. Sampling of the CREC wastewater discharge will be required both initially and on an ongoing basis to ensure that the effluent limits established in the permit are being met.

WETLANDS:

The CREC has been designed to avoid and minimize impacts to jurisdictional wetland resource areas. Invenergy will apply for a Permit to Alter Freshwater Wetlands from RIDEM and an Individual Permit from the United States Army Core of Engineering (“ACOE”) for all proposed wetland impacts, including the power plant, the transmission line and the water treatment facility to be installed at PUD Well #3A. In order to obtain these permits, Invenergy must

demonstrate that the proposed CREC wetland impacts have been minimized and that all feasible alternatives to further avoid permanent wetland impacts have been considered.

Invenergy is currently investigating construction laydown locations that would minimize any additional impacts to wetlands associated with construction. Any unavoidable temporary impacts to wetlands associated with the staging of construction vehicles, equipment and materials during CREC construction will be restored once construction is completed where feasible.

In coordination with RIDEM and the ACOE, Invenergy will develop a Wetlands Mitigation Plan (“WMP”) to compensate for all unavoidable direct, indirect and secondary wetland impacts from the CREC. The WMP will include a combination of proposed wetland restoration, creation, enhancement and preservation measures within the affected watershed in the required compensatory mitigation ratios.

STORMWATER:

A Stormwater Management Plan (“SMP”) is being developed to minimize impacts to surface waters from stormwater runoff during operation. The SMP will meet all of the applicable criteria of the Rhode Island Stormwater Design and Installation Standards Manual and will utilize each of the required best management practices, including preservation of undisturbed areas, preservation of buffers and floodplain, minimizing clearing and grubbing, working with the natural landscape conditions, hydrology and soils, reducing impervious cover and source control. A SWPPP will be developed and maintained for to satisfy the requirements of the MSGP for Industrial Activities which will be required. A RIPDES Construction General Permit will be obtained, which will include the development of a Soil Erosion and Sediment Control Plan, reducing or eliminating pollutants in stormwater discharge during construction.

VEGETATION AND TERRESTRIAL ECOLOGY:

There will be tree clearing and new impervious surfaces associated with the CREC, impacting the vegetative community and some habitat areas. The CREC has been designed to minimize impacts to vegetation and wildlife habitats, and Invenergy will restore vegetated and habitat areas temporarily impacted during construction wherever feasible. The CREC will also limit tree clearing activities during the breeding season of any threatened species identified in the areas to be cleared.

GEOLOGY AND SOILS:

The CREC will have minimal impacts to earth resources as it has been designed to be compatible with the local geologic conditions. Detailed geotechnical evaluations will be performed prior to construction to further determine the subsurface conditions and the necessary design criteria. A Soil Erosion and Sediment Control Plan will be developed to protect resource areas throughout construction. Excavated material will be re-used when possible. Any off-site disposal of excavated

materials will be in accordance with applicable regulations and guidance. Operational impacts to geology and soils will be negligible.

COASTAL RESOURCES:

The CREC will not impact any coastal resources.

TRAFFIC:

The CREC will have a minimal impact on traffic during operation. Employee vehicle trips will be spread out over multiple work shifts. There will be daily deliveries of supplies and equipment but such deliveries will be intermittent. There will be truck deliveries of ultra-low-sulfur diesel (“ULSD”) when ULSD is fired. However, as the firing of ULSD is not expected to occur more than a few times per year, any impact would be temporary.

Invenergy will coordinate closely with the Rhode Island Department of Transportation (“RIDOT”) and the Town of Burrillville to implement a pragmatic Traffic Management Plan during construction activities to minimize impacts on local roadways. Invenergy has engaged the services of an expert traffic consultant to help develop the CREC Traffic Management Plan, which will be made available to the public when completed.

NOISE:

The noise levels during normal operation of the CREC will comply with the A weighted limit contained in the Town of Burrillville’s Noise Ordinance. The CREC will incorporate extensive noise mitigation measures during operation, as detailed in Invenergy’s EFSB Application. Construction noise is likely to be occasionally discernible. However, it is not expected to increase ambient noise levels significantly. Any nighttime or weekend construction activities will likely be similar to the “finishing” phase of construction, which is typically 10 decibels lower than other phases. The size of a nighttime/weekend work force will be significantly smaller than during typical daytime weekday hours, thereby further reducing noise levels. CREC construction is not expected to result in any significant community noise impact.

WASTES:

The CREC will generate relatively little industrial solid waste during construction or operation, and the waste generated will be managed in accordance with the applicable regulations. All waste will be stored in an area with cover, secondary containment and an impervious surface. All waste accumulation areas will be equipped with appropriate spill response equipment. Employees will be trained to manage waste safely and in accordance with applicable regulations.

EMF:

As detailed in Invenergy’s EFSB Application, an analysis conducted of the EMF levels for the existing and proposed transmission lines within National Grid’s right-of-way found that the EMF levels at the edges of the ROW and 100 feet to either side of the ROW will be well

below the recommended reference levels and well within the standard and guidelines set by other states for new transmission line additions.

VISUAL:

The CREC has been sited and designed to minimize visual impacts. As detailed in Invenergy's EFSB Application, a visual assessment has been completed to assess the potential for visual impacts to public resources in the vicinity of the CREC. The assessment concluded that the CREC will have minimal visibility from most locations during daytime hours. Less than one percent of the five mile visual study area will have visibility during the day. Invenergy will file an application with the Federal Aviation Administration ("FAA") for a determination on the need for nighttime lighting on the CREC exhaust stacks. If nighttime lighting is required, additional analysis will be completed to determine the potential for nighttime visual impacts from the CREC. A visual assessment will also be completed for the new transmission line, once its preliminary design has been completed.

CULTURAL RESOURCES:

A Phase 1 Archeological Intensive Study has been conducted on the areas of the CREC site which will be disturbed. Four areas of archeological interest were identified. The study concluded that two of those areas do not appear to retain context and therefore, no further archeological work was recommended in those areas. The Study recommended avoidance of the other two areas identified. The CREC will avoid the areas identified as having potential archeological significance. The Rhode Island Historical Preservation and Heritage Commission subsequently issued a letter dated October 26, 2015, stating that as the project proponent plans to avoid these two areas, the CREC will have no effect on any significant archeological resources. A Phase 1 Archeological Assessment will also be completed for the areas along the National Grid ROW to be impacted for the new transmission line, once its preliminary design has been completed.

SUPPLEMENTAL RESPONSE: The following reports, prepared to assist the Burrillville Planning Board, further explains CREC's environmental impacts:

- Michael Theriault Acoustics, Inc., "Transient Operation Noise Level Evaluation for the Clear River Energy Center," March 2016 (attached as **Exhibit 1**);
- McMahan Associates, "Traffic Impact Study for the Clear River Energy," May 2016 (attached as **Exhibit 2**); and
- Pimentel Consulting, Inc., "Executive Summary," June 2016 (attached as **Exhibit 3**).

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: August 2, 2016

INVENERGY THERMAL DEVELOPMENT LLC
By its Attorneys,

/s/Alan M. Shoer

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Dated: August 2, 2016

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2016, I delivered a true copy of the foregoing responses via electronic mail to the parties on the **attached service list**.

/s/ Alan M. Shoer

SB-2015-06 Invenenergy CREC Service List as of 05/02/2016

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