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July 21, 2016

EMAIL AND HAND-DELIVERED

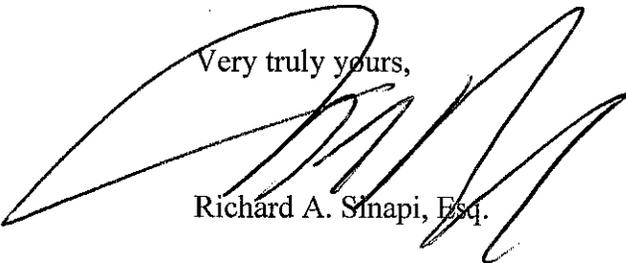
Todd Bianco, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**RE: Matter: *In Re: INVENERGY THERMAL DEVELOPMENT LLC'S
APPLICATION TO CONSTRUCT THE CLEAR RIVER ENERGY
CENTER POWER PLANT IN BURRILLVILLE, RI***
Docket No.: SB-2015-06

Dear Mr. Bianco:

Please be advised that this office represents the Harrisville Fire District ("HFD"). Enclosed please find an original and ten (10) copies of HFD's Motion for Intervention in the above-captioned matter. If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,


Richard A. Sinapi, Esq.

RAS/ras
Enclosures
cc: Client
Service List--Docket No. SB-2015-06

II Summary of Interest of Harrisville

The PUD source wells are located up-gradient from the existing Eccleston Field Wells (Wells 5 and 6) and nearby Well 7 operated by Harrisville. These three Harrisville wells are located in the same aquifer as the proposed PUD source wells for the Power Plant. The PUD source wells were decommissioned on or about 2001. The Eccleston Field Wells originally came online in January 2002 and Well 7 came online in 2014, *after* the PUD source wells were taken off-line. Thus, there is no history of the PUD Wells and the Harrisville wells operating concurrently. More concerning is the fact that there is neither any testing nor modeling relative to the impact of the operation of the PUD source wells on Well 7 (particularly given the regulatory limitations imposed thereon by the Rhode Island Department of Environmental Management (“DEM”) discussed below), since the PUD wells had been decommissioned for about ten (10) years at the time Well 7 was being developed. Wells 5, 6 and 7 account for over one-half of Harrisville’s annual water production.

Harrisville’s interest, therefore, is the potential of a material, adverse impact on Harrisville’s water supply as a consequence of the operation of the PUD source wells to serve the proposed Power Plant. Harrisville has recently contracted with the engineering firm responsible for the development of the Eccleston Field Wells and Well 7, Stantec, to evaluate this potential impact using the existing groundwater model of the Clear River Aquifer developed for the permitting of the Eccleston Field Wells. The purpose of this study is to update the current groundwater model and use it to simulate the new scenario with the PUD source wells in operation and to quantify any potential impacts on the operation of Harrisville’s wells. The impetus for the foregoing study was concerns expressed by the Town during the local permitting process that were conveyed to Harrisville. It is projected that it will take about sixty (60) days to complete this evaluation.

II. Relevant Rules and Procedure

Rule 1.10 of the Rules of Practice and Procedure for the EFSB governs a party’s intervention in any proceeding before the EFSB:

- a. Rule 1.10(a)(2) of the Rules of Practice and Procedure for the EFSB states that “[p]articipation in a proceeding as an intervenor may be initiated . . . [b]y order of the [EFSB] upon a motion to intervene.”
- b. Rule 1.10(b) provides that subject to the provisions of the Rules of Practice and Procedure for the EFSB, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the EFSB. Such right or interest may be:
 1. A right conferred by statute.
 2. An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Board's action in the proceeding.
 3. Any other interest of such nature that petitioner's participation may be in the public interest.

- c. Rule 1.10(c) provides that “[a] motion to intervene shall set out clearly and concisely facts from which the nature of the movant's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the movant in the proceeding.”
- d. Rule 1.10(d)(1) states that “[a] motion to intervene or notice of intervention in a preliminary hearing or a final hearing shall be filed not less than twenty (20) days before the date on which the preliminary or final hearing begins.”

III. Argument

Motion is Timely

- a. The final hearing for the above-entitled cause will begin no later than September 10, 2016. *See Preliminary Decision and Order* issued by the EFSB, at p. 8 (March 10, 2016). Harrisville understands that, at this time, the final hearing will most probably be scheduled sometime in September or October of 2016. Because there are more than twenty (20) days remaining before the date on which the final hearing will most probably be scheduled to begin, the within motion is timely. *See* Rule 1.10(d)(1) of the Rules of Practice and Procedure for the EFSB.

Interests Directly Affected and as to Which Harrisville Will be Bound by EFSB Decision

- b. Invenergy proposes to construct a transmission water main from the PUD source wells to supply cooling water to the Power Plant. This water will be treated to remove contaminants, which caused these wells to be disconnected from service as a public drinking water supply in 2001. The water will be used at the Power Plant for the cooling of power production systems. A dedicated sewer pipe is also intended to be constructed to the Burrillville Wastewater Treatment Facility for disposal of cooling waste water.
- c. The PUD source wells are located up-gradient, along the Clear River, of the existing Eccleston Field Wells (Wells 5 and 6) and nearby Well 7 operated by Harrisville. These wells are in the same aquifer as the PUD source wells. The Eccleston Field Wells originally came online in January 2002 and Well 7 came online in 2014, *after* the PUD source wells were taken off-line. Thus, there is no history of the PUD source wells and the Harrisville wells operating concurrently. Wells 5, 6 and 7 account for over one-half of Harrisville’s production capacity.
- d. During the more recent permitting of Harrisville Well 7 in 2011, a groundwater model was developed and utilized to quantify any local environmental impacts during the operation of the Eccleston Field Wells and Well 7 sources. DEM reviewed the modeling results as part of the withdrawal permitting process. Insofar as DEM did not express any concern, it apparently concluded that any potential impacts to the Clear River were acceptable during the operation of the Eccleston Field Wells and Well 7 *only*. However, *a condition of approval of Well 7 imposed by DEM requires Harrisville to monitor stream flow and terminate operation of Well 7 for as long as the flow in the nearby*

Nipmuc River (which flows into the Clear River) falls below a designated level. Well 7 is the single, largest source of Harrisville's water supply capacity.

- e. Consequently, Harrisville is concerned that the proposed operation of the PUD source wells may cause a draw on the Clear River, which may exacerbate any currently acceptable impacts that the Harrisville Wells may have on the Clear River, and therefore lead to reduced yields from the Eccleston Field Wells or Well 7 or potential regulatory action. Such a scenario would obviously materially impair the ability of Harrisville to meet the needs of residents in its service area for water for both public consumption and fire suppression.
- f. For the reasons discussed in paragraphs a-e above, Harrisville's interest is "directly affected" by the proposed construction and operation of the Power Plant, and Harrisville will be bound by any decision rendered by the EFSB. *See* Rule 1.10(b)(2) of the Rules of Practice and Procedure for the EFSB. Insofar as the PUD source wells are up-gradient of and in the same aquifer as the PUD source wells, there is no question that the proposed re-opening and operation of these wells will *directly* impact Harrisville's most highest producing wells—the only question at this time is to what degree.

Interests Not Adequately Represented

- g. For the reasons discussed in paragraphs a-f above, Harrisville's interest is not "adequately represented" by existing parties. *See* Rule 1.10(b)(2) of the Rules of Practice and Procedure for the EFSB. Harrisville is the second largest public water supplier in the Town and the wholesale source of the bulk of the water distributed by the largest public water supplier, the PUD. *No other party in this docket represents or purports to represent these unique and substantial interests of Harrisville as a public water supplier, which serves an area roughly equal to one-half the size of both the Town's geographic area and population.* This is particularly true insofar as Harrisville is a quasi-municipal entity *totally* separate from the Town.

Intervention in Public Interest

- h. For the reasons discussed in paragraphs a-g above, the intervention of Harrisville is in the "public interest." *See* Rule 1.10(b)(3) of the Rules of Practice and Procedure for the EFSB. As a supplier of water for both public drinking and firefighting purposes serving a substantial portion of the Town, Harrisville's interests directly impact the public health, safety and welfare of residents of the Town.

Harrisville's Position

- i. Accordingly, pursuant to Rule 1.10(c) of the Rules of Practice and Procedure for the EFSB, the position of Harrisville with respect to the Application is as follows: *Harrisville would oppose approval of the Application to the extent there is a determination of a probable, material adverse impact on Harrisville's water supply, unless approval is conditioned upon remediation acceptable to Harrisville.*

IV. Contact Information

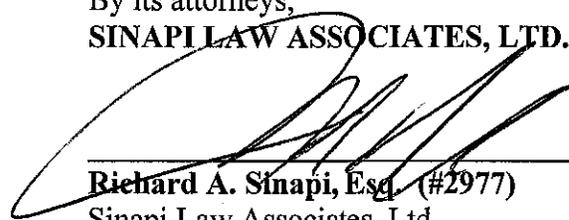
If its within Motion for Intervention is granted, Harrisville requests that service of any correspondence or pleadings in connection with this proceeding be sent to the attorney, email and address set forth below.

V. Conclusion

WHEREFORE, for all the reasons set forth above, Harrisville respectfully prays that its Motion to Intervene be granted and that it be permitted to intervene in the above-captioned docket accordingly.

Harrisville Fire District
By its attorneys,
SINAPI LAW ASSOCIATES, LTD.

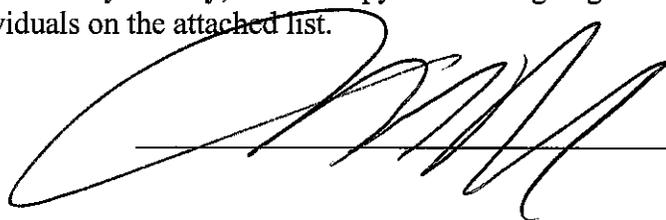
Dated: July 21, 2016



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CERTIFICATION

I hereby certify that on the **21st** day of **July, 2016** a copy of the foregoing document was caused to be served upon the individuals on the attached list.



SB-2015-06 Invenergy CREC Service List as of 07/15/2016

Name/Address	E-mail	Phone/FAX
<p>File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning Parag Agrawal Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM</p>	Todd.Bianco@puc.ri.gov ;	401-780-2106
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