

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

In re: RHODE ISLAND LFG GENCO, LLC

Docket No. SB-2009 - _____

Notice of 115kV Power Line Construction

Notice of Intent to Construct a Power Line

Submitted by
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ENERGY FACILITY SITING BOARD

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INTRODUCTION

Rhode Island LFG Genco, LLC ("Ridgewood") hereby notifies the Rhode Island Energy Facility Siting Board (the "Board" or "EFSB") of Ridgewood's intent to construct an approximately 0.5 mile 115 kV power line ("Project"). The Project will facilitate the interconnection of Ridgewood's proposed new waste-to-energy facility (which is exempt from review pursuant to R.I. Gen. Laws § 42-98-3) to the existing National Grid transmission facilities. The Project will be constructed over land currently owned by Rhode Island Resource Recovery ("RIRRC") and will not involve or impact any other residential or commercial property.

As further explained in this notice, Ridgewood believes that this Project will not result in any significant impact on the environment or the public health, safety and welfare, and therefore, the Project does not constitute an "alteration" or a "major energy facility" that in any way requires further formal Board investigation and/or approval. While Ridgewood believes that the statutory exemption of waste-to-energy facilities also exempts the Project from formal Board review, because it is an integral part of an exempt waste-to-energy facility, Ridgewood submits this notice to EFSB in accordance with Rule 1.6(f) in regards to the proposed 115 kV power line interconnection in order to clarify any potential ambiguity and to expedite Ridgewood's implementation of its agreement with RIRRC.

Ridgewood files this notice pursuant to the Board's rules, at Rule 1.6(f)(regarding power lines of more than 1000 feet but less than 6000 feet). According to the Board's rules, if after review of this notice 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 may proceed without further review. (See Rules 1.6(f), (g) and (h) and 1.2(d)).

1. Identification of the owner(s) of the facility.

The owner of the relevant facilities is Rhode Island LFG Genco, LLC, an affiliate of Ridgewood Renewable Power, LLC, 947 Linwood Avenue, Ridgewood, New Jersey 07450.

2. A detailed description of the proposed facility.

Ridgewood currently operates three plants located at the Central Landfill in Johnston, Rhode Island ("Central Landfill") with a total net capacity of approximately 20.5 megawatts. Ridgewood's facilities convert the methane gas, created when trash decomposes, into electricity. Ridgewood sells the electricity either in the spot market or pursuant to long term contracts. Ridgewood is not engaged in the transmission or distribution of the electricity produced at the Landfill.

The current active phase of the Central Landfill has limited additional capacity to receive waste and, accordingly, RIRRC is expanding the Central Landfill by adding a new phase to the east of the existing landfill ("Phase VI"). However, Ridgewood's existing 12 MW plant is located less than 100 feet to the east of the existing landfill and is directly in the path of the planned Phase VI expansion.

In order to facilitate the expansion of the Central Landfill to Phase VI, Ridgewood and RIRRC have negotiated an agreement whereby Ridgewood will decommission its existing 12 megawatt waste-to-energy facility and construct a larger facility located on nearby RIRRC property, on the southern side of Shun Pike, across from the current entrance to the Landfill. This new larger facility will have a capacity of approximately 41 megawatts ("New Waste-to-Energy Plant").¹

The New Waste-to-Energy Plant is not subject to review by the EFSB, as it is statutorily

exempt from the definition of a “major energy facility” in accordance with R.I. Gen. Laws. Section 42-98-3(d), which excludes a waste to energy facility from the definition of a “major energy facility.” Ridgewood’s New Waste to Energy, which converts landfill gas to electricity, is a waste to energy facility for the purposes of R.I. Gen. Laws Section 42-98-3(d) and, therefore is excluded from the definition of “a major energy facility”.

Ridgewood or its affiliates will also take over responsibility for the collection and processing of the landfill gas during the term of its agreement with RIRRC. As part of the construction of the New Waste-to-Energy Plant, Ridgewood will be constructing a centralized landfill gas collection, pretreatment and compression facility on the northern side of Shun Pike.² These activities also do not invoke Board jurisdiction due to the statutory exemption available to waste-to-energy facilities, set forth at R.I. Gen. Laws 42-98-3.

The 115 kV power line interconnect project will allow Ridgewood to connect its New Waste-to-Energy Plant to the existing transmission grid, by intercepting an existing 115 kV transmission line in the National Grid transmission corridor located less than 0.5 miles from the New Waste-to-Energy plant, and constructing a 115kV loop into a new 115kV switchyard.³ The 115 kV power line will be located entirely on land currently owned by RIRRC and will not traverse any other portions of the Town of Johnston.⁴

In brief, the loop will consist of two 115kV lines and the 115kV switchyard with a new dedicated generator step-up transformer for connection of the new generation to the switchyard.

¹ An overview of the proposed relocation of the existing 12MW facility to accommodate the Phase VI expansion is provided in Attachment “A”

² An artist’s rendering of the proposed new facilities is provided in Attachment “B”

³ The 115 kV power line project to interconnect the New Waste-to-Energy Plant to the existing transmission grid is further described on the engineering plans provided in Attachment “C”

⁴ Ridgewood is also planning on constructing a 23 kVA line along Shun Pike (approximately 0.5 miles) across Shun Pike and then to the west along the northern boundary of Shun Pike on land owned by RIRRC to connect the new gas collection, pretreatment and compression facility with the New Waste-to-Energy Plant. This proposed 23 kV power line is exempt from any siting board review since it is below the 69 kV threshold set forth at R.I. Gen. Laws

The 115 kV power line will be located entirely on land owned by RIRRC and will not traverse any other portions of the Town of Johnston.

3. Detailed description and analysis of the impact of the Project on the physical and social environment

The construction of a 0.5 mile 115 kV power line loop to interconnect to existing National Grid transmission facilities will have no adverse impact on the physical and social environment surrounding or near the Project. The Project will occur on lands owned entirely by RIRRC and will not impact any residential or other commercial property owners. The power line Project, as shown on the drawings provided in Attachment "C" will be only about 0.5 miles upon undeveloped land on RIRRC property. For these reasons, pursuant to the Board's Rule at 1.6(f)(3), there is no further need for more detailed analysis of the baseline conditions and scientific research pertaining to electromagnetic fields ("EMF") for such a small power line interconnect on RIRRC property.

4. Demonstration of the need for the proposed facility.

RIRRC has a critical need for extra property in order to accommodate expansion of the landfill. Because the Central Landfill is the only permitted repository for waste in the State, the Phase VI expansion of the landfill must be implemented before the existing void space in the active phase V is exhausted. The Comprehensive Solid Waste Management Plan dated April 2007 provides, in part:

The major component of solid waste management is disposal at the Central Landfill. The disposal capacity of the Landfill is a valuable, important, and limited resource to the state. The RIRRC is the custodian of this asset and has been given the responsibility under the law to manage the asset on behalf of the state in a manner that

maximizes the value of the resource over the entire life of the landfill while protecting the public health and the environment.

Rhode Island General Law 23-19-1.1 declares that:

The Rhode Island Resource Recovery Corporation shall provide the utmost in protection of public health and the environment while working towards having no impacts on the quality of life in the surrounding neighborhoods. The corporation shall set an example of being a good neighbor by minimizing the impacts of its operations on the surrounding community while setting high industry standards for recycling and waste disposal. The corporation shall seek the best mix of public and private processing, recycling and disposal systems, programs, and facilities for both commercial and municipal waste to meet Rhode Island's needs. The Central Landfill is critically important to Rhode Island municipalities. Thirty-eight of our thirty-nine cities and towns dispose of all of their solid waste at the Landfill, either through materials recovery (recycling) or burial. On average, about 80 percent of municipal solid waste is landfilled. Even under the most optimistic assumptions about waste diversion, a majority of solid waste will be landfilled for the foreseeable future.

The decommissioning of Ridgewood's existing 12 mw facility is a Project of critical need to the State of Rhode Island, as it currently sits on property that is required in order to allow for the necessary expansion of the RIRRC landfill. RIRRC's plans for expansion cannot proceed until Ridgewood's existing 12 mw waste-to-energy facility is decommissioned and removed.

The project further supports the State of Rhode Island's goals in promoting the development of renewable energy resources "to supply electricity to customers in Rhode Island with goals of stabilizing long-term energy prices, enhancing environmental quality, and creating jobs in Rhode Island in the renewable energy sector." R.I. Gen. Laws § 39-26-3. Further, increasing energy production from the existing 12 mw facility to the new 41 mw facility will also create more renewable energy credits ("RECS") that can be purchased by obligated energy companies and others to further stimulate investment and development of renewable energy to benefit Rhode Island, as set forth in the State's Renewable Energy Standard requirements, at R.I. Gen. Laws § 39-26-1 et seq.

and the PUC's Rules and Regulations Governing the Implementation of a Renewable Energy

5. The reasons that the Project does not constitute either a major energy facility or the alteration of a major energy facility.

This Project does not constitute the alteration of a major energy facility for several reasons. First, R.I. Gen. Laws Section 42-98-3(d) defines the term "major energy facility." This section of the General Laws specifically excludes a waste-to-energy facility. Ridgewood's new facility, which converts landfill gas to electricity, is a waste to energy facility for the purposes of R.I. Gen. Laws Section 42-98-3(d) and is excluded from the statutory definition of "a major energy facility". Therefore, the Board should consider the 0.5 mile 115 kV interconnection not as a separable facility or a separate transmission line but as an integral component of an exempt energy facility. The interconnection is an integral component of the waste to energy facility, essential to its operation, and would not be necessary but for the construction of the waste to energy facility. The statutory exemption for waste to energy facilities would be negated by limiting its application to exclude the essential electrical interconnection required to make productive use of the electricity created. Therefore, the interconnection should be considered as part of the waste energy facility, not a separate transmission Project. For this reason the Project is not a "major energy facility."

Second, the Project should not be considered an "alteration" requiring further formal proceedings with the Board because, as described above, the Project will not cause any significant impact on the environment or the public health, safety and welfare. As provided by the Board's Rule 1.6(h), if the Project will not cause any significant impact on the environment or the public health, safety and welfare it will not be considered an "alteration" requiring any further review by the Board.

CONCLUSION

Accordingly, for the reasons stated above, Ridgewood respectfully requests that the Board enter a ruling confirming that (1) the construction of the substation and 0.5 mile 115 kV power line loop to connect Ridgewood's New Waste to Energy Plant to the National Grid transmission corridor is ancillary and integral to a waste to energy facility and is thus exempt from Board review and/or (2) if the construction of the substation and 0.5 mile 115 kV power line loop to connect Ridgewood's New Waste to Energy Plant to the National Grid transmission corridor is subject to Board review, the Board should find that it will not result in significant impact on the environment or on the public health, safety or welfare so as to require any further proceedings or review by this Board. For all these reasons the Project should be allowed to proceed without any further Siting Board review.

Respectfully submitted,
Rhode Island LFG Genco, LLC

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**DOCKET NO. SB-2009-[] – Ridgewood 115 kV Interconnect Project
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