

**MINUTES OF THE PLANNING BOARD MEETING OF MAY 2, 2016
AT THE BURRILLVILLE HIGH SCHOOL AUDITORIUM
SUBJECT TO APPROVAL AT THE NEXT MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:03 p.m., Jeffrey Partington, Chairman, presiding.

Members Present: Jeffrey Partington, Bruce Ferreira, Marc Tremblay, Michael Lupis, Dov Pick, Christopher Desjardins and Jeffrey Presbrey.

Members Absent: Leo Felice.

Others Present: Oleg Nikolyszyn, Town Solicitor, Ray Cloutier, Zoning Board Chairman, Thomas Kravitz, Planning Director, and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW: Mr. Partington acknowledged that Mr. Felice was unable to attend tonight's meeting due to a prior family commitment.

III. NEW BUSINESS:

Major Subdivision/Land Development: Invenergy Thermal Development LLC's (Invenergy) Clear River Energy Center, Wallum Lake Road, Burrillville; *Map 120, Lot 7; Map 135, Lot 2, Map 137, Lots 1, 2, 3 & 21; Map 153, Lots 1 & 2: Pre-application/Concept Plan Review:* Invenergy Thermal Development LLC was represented by Attorneys Elizabeth McDonough Noonan and Alan M. Shoer, of Adler, Pollock & Sheehan, John Niland, Director of Business Development, Michael J. Dirrane, of ESS Group, Inc., and Richard S. Lipsitz, PLS, of Waterman Engineering Company. Attorney Noonan introduced the representatives in attendance, noting that all of their experts would be in attendance at the Preliminary plan stage, and then turned the meeting over to Mr. Niland.

Mr. Niland conducted a power point presentation overview of the proposed project for the benefit of the Board members and members of the audience. The power point presentation offered a project rendering of the proposed plant as well as important highlights regarding its development:

- *Type of Facility: Combined Cycle (G.E.) Advanced Technology, which includes two single shaft "H" Class combined cycle units (output up to 1,000 MW); Air cooled condensers (minimal water usage); Dual fuel capability (natural gas with oil backup);*
- *36-month construction schedule;*
- *Water supply from the Pascoag Utility District;*
- *Wastewater discharge to the Burrillville Wastewater Treatment Facility;*
- *Site control thru land purchase option agreement (with Algonquin Gas);*
- *Location: On-site high voltage power lines (345kV, NE ISO Queue #489) and interstate high pressure gas line;*

He listed the benefits achieved by such a project:

- *New England's energy needs better addressed;*
- *Generation of millions in revenue for the Town of Burrillville;*
- *The creation of local, well-paying employment;*
- *The clean-up of the contaminated well (MTBE) for the Pascoag Utility District;*
- *Reduction on residential electrical bills;*
- *Further supporting the integration of renewables;*

- *Reduction of regional air emissions from the generation of power;*

He added that noise produced by the operation of this plant would conform to the Town's Noise Ordinance requirements (43 decibels) during normal operations.

In regards to the permitting process, Mr. Niland told the Board that all required permits would be obtained by the first quarter of 2017, which includes:

- *Energy Facilities Siting Board (EFSB) Application: formally submitted on November 16, 2015;*
- *Environmental Permits: RIDEM & overseen by USEPA (Air Quality); RIDEM (RPDES Stormwater Management); RIDEM & Army Corps of Engineers (Wetlands Impact Permit); RIDEM & RIDOT (Water Permitting).*

Questions from the Board:

- *What if ISO does not accept the bid for the second turbine? The plant would initially be constructed with two turbines, and a bid would be submitted for the subsequent year.*
- *Would the required noise maximum of 43 decibels be maintained during startup and shutdown, as well as during normal operations? Yes. Conflicted information had been provided last week. They have been able to locate a valve manufacturing company that produces a quieter valve, which would meet the requirements on noise.*
- *Would the recent gas explosion accident in Pennsylvania present any issues to prohibit the plant from operating on natural gas, and could something of that nature happen in this area? The application that was filed includes the ability to burn fuel oil, per machine, approximately 30 days per year. Based upon the availability of gas in cold weather, they may utilize the oil about 5 to 10 days per year, less in warmer winters. Periodically the gas-to-oil system is tested to make sure it still works. The likelihood of a similar incident happening would probably resolve itself.*
- *Does the system have to be shut down to convert from gas to oil and oil to gas? The system needs to be turned down when switching from gas to oil, but it would have to be shut down to switch from oil to gas. He noted that he would have to confirm this information with G.E.*
- *Is there an estimated usage of oil when the turbines are fully running? The storage capacity is 2,000,000 gallons which is enough to run the unit for about 3½ days. Beyond that it would require 3½ to 4 tanker trucks per hour.*
- *Is there a knockout system, or condensate storage, to handle the condensate inherent in the gas in the line from the compressor station? Will it be sent back to the compressor station to be handled by the gas company? There will be condensate tanks which will have separators to knock out the liquid, and store it there. This will be handled by a licensed contractor off site.*
- *In regards to the building's construction, will the building be double-walled and contain insulation in between? The building will have high performance, sound-attenuating, engineered, multi-layered walls. He noted that the manufacturer provides a guarantee on the sound attenuation.*
- *Has any thought been given to enclosing the elements that generate noise? From reports that have been reviewed, the high performance, sound-attenuating walls have a strong effectiveness on the building itself. There are sound-attenuating lags that can also be added for further reduction on the air cooler condenser.*

- Are the air quality figures provided on the chart before, or after, the credits purchased by Invenergy in regards to the air quality? *The air emission credits are covered under a federal law. If a facility wishes to create emissions, it must first purchase credits from another facility that has credits available. It is the government's way of driving down emissions.*
- Were the credits taken from some location in the southern New England area? *The credits have to come from somewhere within the air region. The EPA and RIDEM would review the credits request and location.*
- Is the dike around the oil storage tanks capable of handling a spill as it would be built to retain 1,000,000 gallons and the storage tanks total 2,000,000 gallons? *The code works associated with the tanks, that are double-walled, postulates the failure of one tank at a time, and the dike is designed to retain it.*
- When describing Invenergy and its services, what is "energy storage"? *Banks of batteries that regulate voltage to a facility, which is relatively new.*
- Noting a list of "renewable energy options" offered by Invenergy, why is "hydro energy" not included? *Hydro energy would preserve the rural character of the Town. Has it been investigated for Burrillville? Hydro is kind of unique, and Invenergy does not have any hydrogeologists on staff. The permitting process is actually handled thru a federal agency and time-consuming.*
- If the second stage of electricity is not received, does the operation of the plant diminish? *The turbines are constructed as two separate units and function as two separate units.*
- Are the bypass valves on every unit? Is each valve at 43 decibels, or the total? *There are three valves per unit and it would be 43 decibels for all the valves.*
- Would Invenergy consider enclosing the valves to lower the noise issue? *The noise is a function of not only the design of the valve, which varies by manufacturer, but also where the valve is located. If the valve is placed outside, with no type of muffler on it, it can be very loud.*
- So all of the bypass valves are going to be inside? *Yes, the bypass valves will be enclosed.*
- Are there other contaminants beside the ones that were mentioned in the presentation? Also, what is the flow capacity in terms of range? *RIDEM has an air toxics regulation, which requires quantification of the air toxics and conduct a modeling exercise to demonstrate the concentrations of those air toxics. Unfortunately, with a source like the Invenergy facility, there is not a lot of recent information on the air toxics and emission rates from natural gas and oil. So they have to rely with what is out there, which are emission factors from 20-30 years ago. The modeling shows how the toxics will disburse from the various stacks along the site and the surrounding area. It essentially tells you at every location – 10 miles or whatever is being looked at - what the levels of concentration would be, as long as the levels are below the acceptable levels.*
- Is there any odor associated with the emissions? *No.*
- In viewing the environmental assessment, which is essentially a Phase I, of the alternatives to this project and the no action of Invenergy in placing the facility in this location, shouldn't a project of this magnitude rise to the level of an EPA-required Environmental Impact Statement? *The National Environmental Policy Act (NEPA) which governs this was basically designed for federal action. The federal government has to decide whether that action would require the conversion to an Environmental Impact*

Statement. The project would require an individual permit from the Army Corps of Engineers. A records application will be submitted to the Army Corps of Engineers who will conduct an environmental assessment to determine whether an EIS is necessary. With a project like this where there's not only a site reallocation, which addresses the entire screening of impacts, but the list of permits required, all of the environmental impacts from this project will be fully vetted out by RIDEM and other agencies.

- *At what point would the Planning Board know what alternatives were looked at in siting this project? In siting this facility they need to focus on where there is a natural gas pipeline, close proximity to electric transmission lines, the availability of water, the proper zoning, and things of that nature. There are not a lot of locations, while also trying to be within a region within New England where there is a need. The New England ISO grid links all of New England into various zones based on electric transmission. The Rhode Island and southeastern Massachusetts zone was the one that had the need and cleared the cap, showing higher pricing for electricity. The other problem is that the project cannot be placed in another state, like Connecticut, and feed into this RI-S.E. Mass zone.*
- *Please define the term "ISO New England". The ISO is the Independent System Operator – a not-for-profit agency that was set up by various state agencies to independently control the grid. Their main function is to insure that electricity is widely delivered; they determine the dispatch to all plants and the stacking order; they control the auction of capacity commitments.*
- *Are there any plans to take any homes of the abutters by eminent domain by the State, or if any neighbors wanted to move away to get compensated for their homes? No, this is not a State project for eminent domain. There are current negotiations with Town officials and Invenergy representatives to mitigate the possibility of diminished value on neighboring homes.*
- *Noting that there are still quite a few questions unanswered, would the Board be provided with responses from Invenergy prior to the June 6th meeting? Attorney Nikolyszyn stated that the information would be provided before that meeting date, barring any more questions.*

Mr. Kravitz asked if the emission figures on Page 13 of the presentation represent local, or regional, numbers. *He was told that they are regional numbers.* He then noted that the regional emissions seem to diminish, but Burrillville's emissions increase, and was told that *emissions are transportable so that's why they are viewed on a regional level.* He then asked if the National Air Quality Ambience standards information provided was also listed as regional numbers, in terms of the pollutants. *He was told by the environmental engineer that "they fly everywhere."* He noted that based on the advice of the Town's noise consultant from the workshop meeting of April 28th, there should be no lagging of the air cooler condensers, but that they should be placed within a building.

Mr. Kravitz also noted that because the proposed driveway has several wetlands crossings, and because the Comprehensive Plan, in particular Chapter II – Natural & Cultural Resources, Policy II.1.a states "Foster new development which is designed sympathetically to site topography, watercourses and waterbodies . . .", it was suggested that Invenergy should consider utilizing the existing driveway to Algonquin Gas. He asked if the Board would

consider this option. Mr. Partington said that he believe this issue was previously discussed by the Board, and asked Invenergy if there was any particular reason why the existing roadway is not proposed on the concept plan. *Mr. Niland told the Board that they had approached Algonquin Gas with the request, but that Algonquin did not like the idea of having all traffic coming down into the area of their operations. He added that it was pointed out that the state fire marshal would probably rather have two entrances, so if there was ever an event, there would be another way, rather than having the single roadway access.*

Having no further questions from the Board, Attorney Noonan then requested consideration for a combined Master-Preliminary Plan review at the next submittal. *A motion was made by Mr. Tremblay to approve the combined Master-Preliminary Plans submission request. The motion received a second from Mr. Ferreira. The motion failed with two members in favor (Mr. Tremblay and Mr. Ferreira) and four opposed (Mr. Presbrey, Mr. Desjardins, Mr. Lupis and Mr. Pick). The motion failed.*

The Planning Board will entertain the Master Plan review for the Clear River Energy Center (Invenergy) on June 6, 2016.

- IV. **MOTION TO ADJOURN:** *A motion to adjourn was then made at 8:41 p.m. by Mr. Ferreira, seconded by Mr. Pick and carried unanimously by the Board.*

Recorded by: M. Christine Langlois
M. Christine Langlois, Deputy Planner

