



TOWN BUILDING
HARRISVILLE, R.I.

May 20, 2019

Contact: Dyana Koelsch
DyanaK@dk-comm.com
 401- 415-0370

Burrillville's Post-Hearing Brief on Proposed Invenergy Plant Cites Lack of Need & Unacceptable Environmental Harm

Invenergy Lacks Credibility/ Application Still Incomplete and Substandard

The Town of Burrillville on May 17, 2019, filed its post hearing brief with the Energy Facility Siting Board which is considering the Invenergy application for a new massive gas fired power plant to be located in Burrillville.

The Town and its residents along with the Conservation Law Foundation, 32 municipalities, environmental, conservation and tourism groups has been fighting to stop the proposed plant for over 3 years.

"The Town and its residents have done all we can to make a legal and rational case against the Invenergy Power Plant, said Burrillville Town Manager Michael Wood. "Working around a seriously deficient law, the Energy Facilities Siting Act, the Town has found a way to finance and then build a solid legal case against the project, despite having to go against up to five (5) Invenergy attorneys and many more paid consultants participating at every session of the final hearing process."

The Town Brief concentrates on the deciding criteria- including lack of need and unacceptable harm to the environment- as identified in the Energy Facility Siting Act.

The conclusion of the Town's Brief states:

"Invenergy has the burden to prove, among other things, that the proposed 1,000 MW plant is "necessary to meet the needs of the state and/or region for energy," as demonstrated by "long term state and/or regional energy need forecasts." Primarily because ISO's forecasts of net peak summer load have been steadily decreasing, and surplus, inexpensive supply has been steadily increasing, Invenergy has not met its burden of proving need for the plant.

"Invenergy also has the burden to prove that the proposed facility "will not cause unacceptable harm to the environment." The evidence shows that CREC would fragment a vital forest and wildlife corridor at a vital pinch point. This harm could not be mitigated. CREC would also harm animals and plants, including many species that have threatened and protected status, and their habitats. CREC would discharge toxic emissions that can cause cancer and other health problems. CREC would create traffic harm, noise harm, stormwater harm, and public health and safety harm. Invenergy has not met its burden of proving that the plant will not cause unacceptable harm to the environment.

"The Town therefore respectfully submits that this Board should not license this facility. "

The Town Brief also states Invenergy lacks credibility:

“The Town respectfully submits that Invenergy’s representations are not trustworthy. Invenergy has misrepresented crucial matters in its ISO filings, it has misrepresented the status of its permitting in its FERC filings, and it has misrepresented its intentions regarding this project in its filings to this Board.

“In the opinion of the Town, these are disqualifying events. If there were a need for CREC (which there is not), and if there were no unacceptable environmental harm (which there is), then the Town respectfully submits that Invenergy would not be an appropriate entity to be given a license to build a 1,000 MW, \$1 billion power plant in Rhode Island.”

The Town points out that, even now, more than three years since it submitted its application, Invenergy still is “repeatedly correcting and adding to its original substandard and incomplete application. For example, among other things, the biodiversity study remains incomplete; the access road proposal has significantly changed (but still does not address the Town’s or DEM’s main concerns); the lot configuration has changed a number of times; the wetlands and ACOE applications are incomplete; and there is no public safety arrangement with the PUD.”

In addition, the Town asserts the Invenergy water supply plan is seriously deficient and not reasonable for a power plant of this size and scope.

The EFSB which now will act on the Invenergy application now will begin its deliberative portion of its process. That will be held in open meetings on June 19, 20 and 25. These meetings are public meetings but the public nor the parties can actively participate.

Note: Full Burrillville Brief Attached