STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. BURRILLVILLE PLANNING BOARD

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IN RE: *
MAJOR SUBDIVISION/LAND DEVELOPMENT *
INVENERGY THERMAL DEVELOPMENT, LLC'S *
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: *
*****
MASTER PLAN REVIEW/INFORMATIONAL MEETING *
*****
*** ***

HEARD before the Burrillville Planning Board at the Burrillville High School Auditorium, 425 East Avenue, Harrisville, Rhode Island on August 15, 2016 at 6:00 p.m.

PLANNING BOARD MEMBERS PRESENT

Mr. Jeff Partington, Chairman
Mr. Jeffrey Presbrey
Mr. Marc Tremblay
Mr. Dov Pick
Mr. Leo Felice
Mr. Mike Lupis
Mr. Bruce Ferreira
Mr. Christopher Desjardins
Mr. Robert Woods (Recused.)

ALSO PRESENT
Mr. Thomas Kravitz, Planning Director
Ms. M. Christine Langlois, Deputy Planner

APPEARANCES

MICHAEL R. McELROY, ESQUIRE . . SPECIAL COUNSEL FOR THE TOWN OF BURRILLVILLE

ELIZABETH M. NOONAN, ESQUIRE. . FOR INVENERGY

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IN RE: BURRILLVILLE PLANNING BOARD HEARING ON MAJOR SUBDIVISION/LAND DEVELOPMENT FOR INVENERGY THERMAL DEVELOPMENT, LLC AUGUST 15, 2016

MR. PARTINGTON: Good evening. I'm going to bring this meeting to order. First is attendance review, and we are all present and accounted for this evening.

Next is the acceptance of the minutes from --

MR. FERREIRA: Make a motion to accept June 20th and July 11th meetings, please.

MR. PICK: Second.

MR. PARTINGTON: We have a motion to accept the June 11th and -- I'm sorry, June 20th and July 11 minutes, and we have a second. Any discussion? All those in favor?

(Whereupon all the Members of the Board responded by saying, "Aye.")

MR. PARTINGTON: Any opposed?

(Whereupon none of the Members of the Board responded.)

MR. PARTINGTON: Motion carries. Correspondence. We had a lot of correspondence, lots and lots. We have several responses from Invenergy.

We have the EFSB scheduled testimony from September and October; DEM third set of data requests, RI-HPHC letter, dated June 28th; Harrisville Fire District motion to intervene; Town Consultant CDR Maguire; email and memo from Oleg to Mike Wood regarding OER workshop at URI; and we also had some public input emailed to us; and we've got the transcripts from the last meetings from our intrepid stenographers.

Okay, next, Old Business, Major Subdivision/Land Development: Invenergy Thermal Development, LLC's Clear River Energy Center, Wallum Lake Road, Burrillville; Map 120, Lot 7; Map 135, Lot 2; Map 137, Lots 1, 2, 3 and 21; Map 153, Lots 1 and 2. Master Plan Review/Informational Meeting. Continued from June 20th and July 11, 2016.

So, this evening, what's going to happen is Invenergy has one witness to put on, and that would be about water; and then after that we have our gentleman, who is going to ask questions of him or clarify some points that he will make. The Board will then ask questions of the applicant; and after that we'll be going into the advisory opinion, and the Town Planner has been charged with writing the advisory opinion. The Board this evening is going to

give him guidance on those particular points. So, that's the set-up for this evening, just so you know what the deal is. So, with without any further ado.

MS. NOONAN: Thank you, Mr. Chairman, Members of the Board. Again, my name is Elizabeth Noonan. I represent Invenergy. In this matter, as you recall, we've now been before you twice on essentially a Master Plan application. We were last before you in July; and, at that time, there were a couple things that your Solicitor asked -- asked us to do, which we have complied to, some of which you've mentioned in your correspondence.

The first was that there were a number of public comments that were submitted to the Board during the comment period on July 12th -- no, July 11th, and we did provide responses to the Planning Board to those responses, some of which we referenced other data requests, others that we answered. So, that was the first thing.

The second was that there was the Department of Health Draft Advisory Opinion that was issued I think right before our meeting last time. We have submitted responses to the Department of Health on those. We were here last, I believe, Tuesday evening when there was the public comment period on those;

but those have been answered in response to their Draft Advisory, and I think their period is closing right now on the comments.

There were also requests from your Town Solicitor at the end of last -- the last meeting that Invenergy respond to the Town's peer review recommendation. So, as you know, obviously, you've had all of your experts, and we were asked to do that response; and we put that together and did provide it to you in the categories of air, ammonia, noise, plan review, traffic, water, and the Department of Health which we answered in another document. So, in that what we did was we took the recommendations from your experts and responded to them. We used the same format as the data requests for EFSB, sort of for consistency sake. So, that information has come through.

Included with that in traffic was a specific request to look at an alternate route, so that was included in that discussion also. I believe your -- the Town's experts have now looked at our recommendations. I don't know if you want a little more back and forth, but we're more than happy to do that between now and whenever we get any more information.

With that, as I had indicated, we have one last expert. His name is Bill Ahlert. You have his CV, and what I'd like to do is go ahead and get him sworn in, and we'll start his testimony.

W I L L I A M A H L E R T, first having been duly sworn, testified as follows:

MS. NOONAN: And, before going into his testimony, also to let you know on behalf of the Board, since we will be discussing, obviously, a lot of things this evening, we do have the experts in traffic. McMahon Engineering is here, along with our planner, and Mike Feinblattt from ESS. So, those will all be available to you, if you have any additional questions for them.

DIRECT EXAMINATION BY MS. NOONAN

Q Mike (sic.), can you, although the Board has your resume, can you go through your background, please?

A Okay. I have a Bachelor's of Science from East Rutherford University, a Master's of Science in Environmental Science from Rutgers University and a PhD in Environmental Science with an emphasis on the transport and fate of chemicals, including gasoline and groundwater, from Rutgers University. I am Vice-President with HDR Engineering, and I manage the company's decommissioning at brownfields cleanup, as

well as I oversee remedial efforts and cleanup efforts for our industrial sector of the company.

Q And I see you didn't put any years down. How long have you been practicing in this field?

A It will be 28 years this year.

Q And can you tell the Board how you became familiar with this subject property?

A So, HDR provides consulting services to Invenergy; and, as part of this project, I was asked to look at Well 3A as a means of potential use of water for the project and to look at it from a water quality perspective and look at it in terms of feasibility of possibly using that water for the project.

Q And can you give to the Board what materials you reviewed in preparation for your analysis?

A So, I reviewed the Siting Board application, as well as materials that were obtained from the Town Planner, data requests, all the various data requests, reports that were generated by RIDEM as part of the investigations and remediation work that they did, as well as reports done by other consultants, like GZA Environmental and Beta Group and others, as well as information that was available on-line.

Q And you were present at the June 20 Planning Board

hearing and heard the testimony that evening, correct?

A That is correct.

Q And, in addition to the things you did to prepare your initial analysis, since that time as we've gotten into this process, were you involved in the responses to the Department of Health and the other items I mentioned today, the peer review and also the public comment?

A Yes. I've been involved with both reviewing comments, as well as the responses and providing input, as well as providing support from a technical perspective.

Q And if you could then just explain to the Board sort of what your approach was in looking at the issues presented by the Invenergy project in your area of expertise?

A So, I was looking at this primarily from the water quality perspective. My background is looking at characterization data, environmental cleanup data, groundwater data, looking at the issues associated with what the source of the contamination was, what the issues were with respect to the well that was being proposed to be used and trying to understand the historical issues, as well as understand what the

current conditions were, as well as look at whether there were issues associated with the use of the water that had to be considered for purposes of impacts to human health and the environment; went back and reviewed all of the various environmental investigations that had been performed going back to '91 when the initial investigation started, when it was discovered and, unfortunately, for this community, the significant contamination that was associated with an underground storage tank that had leaked.

We've been involved with a number of communities that have had these kinds of issues and have had to work with them to help them understand what their options were but also develop investigations for understanding the fate and transport of the contaminants in the environment, but also to understand if there are potential issues associated with those migrating to other areas where they might come in contact or be used in a way that would be a problem; and, in that instance, it's like groundwater wells being used which are impacted, vapor intrusion that can happen because it involves organic compounds such as gasoline constituents. So, we've been heavily involved with doing that for other

communities; and so I wanted to look at this site, plus with respect to the history of what had been done to address the source, understanding that the source is an underground storage tank; and that, when it was discovered, it was discovered because Well 3A itself had been impacted because it had drawn the contamination in as a result of migration from the source. And so, it was important from my perspective to look at what was done in response to that; what had the various parties, particularly RIDEM, done to understand what the source was, how they addressed the source, and what it is they've done to address the migrating contaminants that are moving from the source. So, the source was an underground storage tank, and it leaked and impacted groundwater; and they had identified initially that there was actually free phase product, so there was gasoline floating on the water table at the point and adjacent to the point where it had discharged from the tank. So, they immediately started a process of evaluating what the remedial options were and started doing things like emergency response to provide services to the community. As I understand, they tried activated carbon in the well for a time to try to allow the use of that water; but, because of the high

concentrations, it wasn't going to be feasible to continue that, and that they had to ultimately go to an adjoining community for their water; and that's a pretty big issue to have to wrestle with as a community; and, as a part of the remedial effort, the people at RIDEM, at least, understood that they needed to attack where the contaminants were at the source to at least try to eliminate the potential for further migration and exacerbating what was already a bad condition.

So, they had done some work to remove the contaminants by physically removing the impacted material. They did some vapor extraction, basically by removing volatile organics in the source area to essentially a vacuum extraction type. It takes air out of the ground and the volatiles with it; and they install the groundwater treatment system that was to basically pull the groundwater back, pull the contaminants out of the groundwater that they were pumping out; and then that water was then sent to the wastewater treatment plant. They had been doing that for -- until at least recently, the continued operation of the groundwater treatment system, and removed the soil that had been impacted associated with the tanks; removed the tanks. So, all of that

was done initially right after the discovery, and then at another juncture they looked at the groundwater treatment system and looked to see if they needed to do something to enhance that system; and it's my understanding that, working with EPA, they came up with a more enhanced system that allowed them to more effectively treat the groundwater that was migrating from the source area and potentially in the direction towards 3A. Now, 3A is no longer being pumped at this point, so it's not pulling it over; but it's basically allowing them to pull that contamination out of the groundwater and, hopefully, get it to a point where they'll be able to remove it.

Now, it's true that there's a lot of sites that are impacted with MTBE across the country. Gasoline contamination is a pretty significant problem across the country with leaking tanks, and MTBE does move rather readily in groundwater. It's very soluble. So, they needed to, obviously, run the system for -- and still are. I don't know if it's still running, but I believe that it's been running up until recently to try to pull this groundwater back.

So, the system has been operating to address the groundwater remediation end of it, but we also looked at the levels of contamination that were in the

groundwater; and those levels in the groundwater at the point of the source were thousands of parts per billion, plus there was three-phased product in the beginning; and, over the years, those levels have dropped significantly, and to the point where those levels around the source are below a thousand parts per billion, and that most of the other wells in the area, including 3A, have non-detect levels of MTBE in them and that they've really reduced by an order of magnitude the levels of contamination in the area of the source but also have reduced the levels so that they pulled the plume back. So, looking at this was to look at whether you could pull the water out of the groundwater through 3A; and, if contamination were to be pulled into 3A because of the pumping, could you treat that groundwater and be able to remove the contaminants in the groundwater and then be able to take that water to the plant; and, based on the data that's out there, that's absolutely feasible; and it can be done through regular routine treatment systems that are used all the time. Activated carbon is used generally across the country for sites that have groundwater contamination. They also use them on homes for the purpose of removing things like gasoline constituents, but also include

MTBE, and it can be done on a routine basis; and so I looked at whether this was feasible for treating the water in 3A, so the purpose of removing the MTBE and then allowing that water to then be used for the project.

Q Before moving on to the specifics of this project, can you discuss the background and your experience with the cleanup process in other areas?

MR. PARTINGTON: Actually, I have one question before we go on. So, your testimony was originally the well was so contaminated that a charcoal filter system would not be able to remove all the contaminants that were in it.

MR. AHLERT: No, it was more that it was the cost. It was how much money was going to have to be spent to remove the contaminants down to a level that was going to be allowable for drinking water.

MR. PARTINGTON: Okay. So, then they then moved to alternatives to simply clean it up, rather than continue it as a drinking water source.

MR. AHLERT: So, again, my understanding from reviewing the file is that, initially, they were addressing the water with using carbon but looking for an alternative because of the cost associated with trying to continue to use carbon on Well 3A.

MR. PARTINGTON: Okay, thank you very much.

Q Again, just before going into the details of this particular plan, can you talk generally about the carbon method and how it's been used in other places?

VOICE FROM THE FLOOR: And how long it takes.

A So, carbon is a common treatment for organic chemicals. It's used to remove the contaminants from groundwater through absorption. MTBE is an organic chemical which is part of gasoline, like the other constituents in gas like benzene, toluene and xylene; and there are many communities across the country that have had impacts associated with gasoline releases that contain MTBE; and carbon is routinely used. It's actually recommended by the agencies as a means of removing organic chemicals from groundwater; but you do have to go out and do appropriate pump tests to determine the volume of water that needs to be treated and what levels will be treated, so that you can design the systems that have to be put in place for the purpose of effectively removing the contaminants and ensuring that you're going to remove them to a level that's acceptable. Obviously, the agencies are responsible for overseeing that work and, in this instance, working with RIDEM. But there are numbers of communities across the country, right

here in Massachusetts, just down the road in Massachusetts, there's a community that had -- the Palmer Fire District which had a significant MTBE contamination issue back in 1989, affected their water supply. They had to put in activated carbon and effectively removed the MTBE so that they could continue to use that water supply for a drinking water supply.

WOMAN FROM THE FLOOR: How long did that take?

MR. AHLERT: There's also some other communities in North Hempstead, New York which many of you may have heard that they've had issues there. MTBE was a primary constituent in one of the communities and that they used activated carbon there.

I'm working on a very large project in Pennsylvania, where an oil terminal had released thousands of gallons of gasoline that went on to the water table. They have a system that, you know, is pumping groundwater to remove the product; but there is activated carbon being used on the homes, as well as wells in the area, for purposes of removing the contaminants associated with the MTBE that's in the groundwater.

MS. NOONAN: Mr. Chairman, as we have done in the past, I would just ask that questions when they

come from the audience, if appropriate, get directed through the chair, so we can do that in an organized manner.

MR. PARTINGTON: Understood.

MS. NOONAN: Thank you.

Q Thank you, Mr. Ahlert. If you can then just go specifically to start talking about Invenergy's plans for Well 3A, understanding that, certainly, this is not the drinking water supply for the plant that we're talking about?

A So, in order to properly treat the groundwater so that they can remove the MTBE, first they have to understand what their current conditions are. There are a number of pump tests that have been performed, so there is some historical data there to show under different pumping senarios and different pumping lengths that the contaminants generally are in the low part per billion, between 10 and 50 parts per billion when the well is pumped on a regular basis; but they need to do a new pump test to better understand what it is that will happen when they pump that well and what it is that might be drawn into the well so that they can design a carbon system that will be effective in removing MTBE and the contaminants associated with it to the point where

they're non-detect.

Q As you go through and explain it and following up on the Chairman's question about, again, why this would work in this situation, as it didn't work -- well, it was not economically feasible to work back when the spill was first detected?

A So, in simplistic terms, the amount of carbon one has to use is somewhat proportional to the amount of contamination in the groundwater. So, if you have thousands of parts per billion and you're trying to treat that water down to a non-detect level, you're going to use a much higher percentage of carbon and have to replace that carbon routinely; whereas, if you have 40, 50 parts per billion, you are going to use much less carbon; and so, the design of the system would be predicated on what the constant or at least the level of contaminants that are expected to come into the system; but the system also has to be designed so that there's ways to monitor it and be able to know when the carbon is being used. So, there are series of carbon vessels that are put in line with monitoring points that are in between so that they can monitor the contaminant levels at the carbon vessel at the first -- is treating the water first; so that, by the time it breaks through there,

they can change that carbon before it gets to the second vessel of carbon, and that's pretty much routine. It's what RIDEM used when they treated the water before they discharge it to the wastewater treatment plant; and it's also what almost all of the systems that I've seen out there, they're usually two series of vessels. Sometimes there's two series of vessels running in parallel, so the other means of running the water from one side to the other when you need to do maintenance.

Q In terms of the historical experience of this community with the spill and with what we're proposing, what types of things would RIDEM or other regulatory agencies require that be put in place to minimize or limit the amount of potential effects of pumping 3A for this use?

A So, first I would expect that RIDEM would like to see a detailed work plan that describes how a pump test is going to be performed together, the appropriate data to know exactly what the conditions are today, to understand what the contaminants are and what change in contamination occurs during the pumping, and pumping at levels or rates that are consistent with what the proposed use would be. I would also expect that, as part of that, they would look to have

an evaluation of that data and a proper design of the base system, provided with a plan that basically describes operation maintenance but also monitoring, monitoring of the water through the system, monitoring of wells in the area, monitoring to determine what is happening and whether the plume is changing or moving and whether there are precautions that have to be put in place and whether there are things that have to be done to ensure that the public health is protected; and, obviously, RIDEM has to be involved in that process and review the plans and things that are done along the way.

Q And under, you know, the RIDEM permitting process and the approvals that we would need, Invenergy would need to obtain those; do you have an opinion, based on everything you've reviewed, that Well 3A could be designed in a way that it would not be harmful to the public health?

A I do believe that the water could be used. I do believe that a treatment system could be designed and put in place, but it's predicated on doing the appropriate pump test and appropriate evaluations and appropriate understanding of what the system has to be designed to. The design of the system is predicated on understanding the nature of the

conditions that have to be treated.

MS. NOONAN: I have no further questions right now for Mr. Ahlert.

MR. PARTINGTON: Thank you. Mr. Hevner, do you have some questions?

MR. HEVNER: Mr. Ahlert, Tom Hevner, part of the review team for the Town. When the system is running, would there be protective measures, if contamination was going to be volatilizing off of the water table creating potential indoor air impacts? Would there be protective measures in place to be sure that residents would not be impacted by contamination volatilizing off the water table when conditions change when the pumping starts with the reactivation of Well 3?

MR. AHLERT: So, Tom, I think you're referring to vapor intrusion, which is a common concern when you're dealing with volatile organics like gasoline. So, if there's gasoline in the groundwater, that constituent can volatilize out of the groundwater, and it can migrate up through the soil; and it can enter homes and create concern. RIDEM did studies early on in the cleanup to look at vapor intrusion. They did find some vapor intrusion in a sump near the source; but, for the most part, they did not find any

conditions through their testing that identified any vapor intrusion.

Now, with that said, vapor intrusion is a very important aspect that has to be considered, and so you have to evaluate what's migrating and if there is any contaminants in groundwater at levels that would potentially result in a vapor intrusion condition. Yes, there should be a plan to look at that. Yes, the pump test should evaluate what contaminants are in the groundwater, what levels they're at. There are ways of extrapolating out from the levels of groundwater to what is a potential vapor intrusion concentration, based on the depth of the groundwater, proximity to the structures. There are procedures on how to identify, when concentrations get to a certain level, if that's going to rise to a point where an action needs to be taken; and there can be actions that are put in place to address that, you know, to the point of stopping the pumping, to looking at mitigation measures that can prevent any kind of migration of vapors into spaces.

MR. McELROY: Mr. Chairman, I have a couple questions. I'm the attorney for the Town of Burrillville, Mike McElroy. Have you had an opportunity yet to see the draft advisory opinion

issued by the Pascoag Utility District?

MR. AHLERT: I'm not aware of it, no.

MR. McELROY: Well, it just came out today, as far as I know.

MS. NOONAN: We haven't seen it.

MR. McELROY: Okay. What measures would you be taking if you started this process to ensure that the plume will not migrate?

MR. AHLERT: So, I don't think that there's measures you can take to not cause the plume to migrate. The plume is probably migrating all the time. It's with groundwater movement; but, obviously, with pumping you're going to change the migration pattern, and so you have to look at what it is that it might exacerbate a condition over an area. Will it pull it back to 3A, which is what happened in the beginning. The well was contaminated because it pulled the groundwater in from the source. When you start that pump up, you expect that it's going to pull it again; but the issue is whether there's any significant contamination that would be pulled into the well other than what we've already seen with the pump test that's already been performed, and there's no indication. There has been 30-day pump tests performed, and the highest concentration that was

detected was 40, 45 parts per billion.

MR. McELROY: What would you do if there was migration occurring that was undetected?

MR. AHLERT: So, obviously, there's going to have to be a plan in place that has some level of understanding of concentrations that might occur in wells that are going to be required to be monitored. I'm sure RIDEM will be involved with the process of reviewing the plan that will dictate what wells will be monitored and the frequency. So, there would have to be triggers, and those triggers will identify from stopping the pumping to actually providing some mechanism of cleanup in other wells; but you have to look at the pump test data, as well as look at the overall impact from those wells that will be monitored during the pump test to see what, in fact, would be potentially a migration.

MR. McELROY: So, theoretically, if the plume was migrating unacceptably, one possibility could be that you'd have to stop the pumping; is that what I heard you say?

MR. AHLERT: I would tell you that, if the concentrations were at levels that were very high from a pumping of the well, that RIDEM would probably anticipate having some sort of way to say you have to

stop pumping.

MR. McELROY: All right, thank you very much.

MR. PARTINGTON: In your opinion, sir, and yes, I'm going to put you on the spot, how long do you think the pump test should be?

MR. AHLERT: The pump test that was done -- there were several pump tests done prior.

MR. PARTINGTON: I mean today, if we were going to do one today.

MR. AHLERT: I know.

MR. PARTINGTON: Okay.

MR. AHLERT: And I didn't go into looking at designing pump tests. There is another company involved with designing the pump test. My job is to understand whether you can do these things and whether you can effectively make them happen, but you have to do a pump test long enough so that you can see whether there's a pattern of migration; and, from other pump tests, they've been run upwards of 30 days.

MR. PARTINGTON: Ladies and gentlemen, it's his opinion. Please listen to what he has to say. I've asked him a question. He has not answered it yet.

MR. AHLERT: And I would tell you that there's going to be an initial pump test done to just

determine capacity, look at initial yield, and look at impacts on wells. That will tell you whether you need to do 10-day, 20-day, 30-day pump test; and that will have to be discussed and extrapolated with RIDEM. I throw a number out here, it doesn't mean anything. It's RIDEM with their experts that are involved with this and have been involved with this to understand what it is that's needed to do this right.

MR. PARTINGTON: Okay. Second question. There is a capacity issue with the well. The plant specifications are calling for, I believe, 925,000 gallons a day at peak. The well, I believe, is rated at about 850 or 825. I could be wrong, excuse me. So, how -- in your opinion, how long does a test need to be done for capacity of a well in order to establish whether that well can deliver the water that it's being asked to deliver?

MR. AHLERT: So, it would be great if I could tell you a number of days, but you got to do the first pump test to determine with monitoring of wells to look at water level movement and look at the aerial extent of the drawdown on the water table. Then you have to design the pump test that appropriately looks at the length of time that will

provide the necessary data to develop that actual capacity. That's where the folks, you know, that are, you know, being brought in to design the pump test and accurately understand where they have to monitor and what they have to do, as well as make sure that they're working with the agency so that they understand and agree that this is going to provide the necessary data to make an appropriate decision.

MR. PARTINGTON: Okay, thank you. Gentlemen?

MR. TREMBLAY: Hi. Mark Tremblay, on the Board here. Your focus is strictly water quality?

MR. AHLERT: That's correct.

MR. TREMBLAY: And I know we have some questions about water quantity, and there were a couple of items. Maybe I'll consult with Mr. Hevner. Maybe you could -- if you have some access to this information.

MR. HEVNER: Yes, I'm listening.

MR. TREMBLAY: Okay. In the consultant's responses, there's a reference to Harrisville Water District undertaking a modeling initiative from an independent engineer that might be available as soon as August 10th. Have you seen that?

MR. HEVNER: I haven't seen it.

MR. TREMBLAY: Do you know if that's been produced? Maybe Tom knows. Is that --

MR. HEVNER: I haven't seen that information from Harrisville. That was information that was provided in June. They were projecting that it was going to be about 60 days to do the groundwater modeling to see what the potential impact was to reactivating Well 3A in consideration of the well fields in Harrisville, and I haven't seen that information.

MR. TREMBLAY: Okay. I know we have a draft advisory opinion from Harrisville.

MR. McELROY: No.

MR. HEVNER: Pascoag.

MR. TREMBLAY: That's right, Pascoag. That's the one we got here. That's from Pascoag.

MR. PARTINGTON: Right.

MR. TREMBLAY: Okay. Just a point of clarification that's within that, it says here in the winter up to 45 diesel firing days. I thought it was 60. That's a point that maybe we need to clarify that's in this --

MS. NOONAN: I haven't seen that recommendation, so -- or advisory.

MR. McELROY: No, he's asking about the number

of firing days.

MR. TREMBLAY: Yes. Does the application from Invenergy call for 60 days?

MS. NOONAN: It's currently at 60, yes.

MR. TREMBLAY: Okay, all right. This advisory opinion says 45.

MR. PICK: Hi, good evening. You were talking about the migration. So, is there any way of anticipating the migration going into a direction that would be unfavorable?

MR. AHLERT: So, the migration would probably be anticipated to occur the same way it did when the well was pumping and was impacted in the beginning.

MR. PICK: So, a pump test or a pressurization of the well wouldn't adversely effect it in any other way? It wouldn't spray the pattern in a different way?

MR. AHLERT: Well, unless there were other wells brought on-line in the area to have an influence, it would most likely be migrating the same way it migrated originally when it impacted the well.

MR. PICK: Just a couple more. If the remediation was so cost prohibitive 15 years ago, what has changed today that allows us to be a bit more effective?

MR. AHLERT: So, it's not remediation. It was treatment of the water for purposes of drinking water; and, at the time, the levels that were available being pulled in, because it was right after the source was identified, were at thousands of parts per billion. We're talking at a magnitude lower concentration now in terms of what's out there in the plume; and so, the activated carbon becomes a lot more cost effective to use as a means for purposes of the amount that's in the plume.

MR. PICK: And what has reduced the amount in the plume, just years of just being there; or how does that happen?

MR. AHLERT: The treatment that RIDEM has been doing and pulling out of the ground.

VOICE FROM THE FLOOR: What treatment?

MR. PICK: Hold on. Hold on. So, this is the treatment that's going through the water treatment facility?

MR. AHLERT: Correct. It's treatment at the source, not treatment at Well 3A. It's treatment at the source with pumping wells that are withdrawing groundwater and pulling the MTBE out of the groundwater, as well as the other gasoline constituents.

MR. PICK: Was it your recommendation to do a vapor intrusion test?

MR. AHLERT: It was my recommendation that we look at the results of the pump test to evaluate the migration of contaminants so that we could understand where they might be and understand what levels they would be so that we could look at whether there is a need for vapor intrusion analysis.

MR. PICK: And, just so we can get some clarification for the audience, you did mention a couple of treatments. How long would those treatments take?

MR. AHLERT: So, it varies, as you can well imagine. It depends on the amount of contamination in the aquifer. It also is dependent on what level of treatment they're trying to achieve. So, when you're dealing with potable water supplies, you're treating it down to a point where it's acceptable for drinking water; and a lot of those systems are probably still operating today. The amount of time it takes to get an aquifer back to a complete drinking water standard is a long time in most instances. I mean it really depends on the size of the plume.

WOMAN FROM THE FLOOR: What's a long time?

MR. AHLERT: Lifetimes, and they exist throughout the country; and they're, unfortunately, in a lot of communities that are dealing with contaminated aquifers, where they're going to -- you know, if they want to use that water for drinking water, they're going to have to treat with activated carbon and be able to remove that so they can provide that water as a drinking water source. Typically, it takes lifetimes to get these contaminants to levels where the aquifer is actually cleaned up to drinking water. I think it's important to recognize that anytime you're pumping and removing contaminants and using activated carbon or any other treatment supply, you're removing mass. You're removing those contaminants. So, you are effectively removing it, but you have to remove the source; and the source is what's important to make sure it's gone and that you don't have something that's basically continuing to leak and/or cause continued contamination. So, pipelines and tanks and things are always big issues when it comes to making sure that, you know, if you're going to put treatment in place, you're not treating something that you're basically having an ongoing source for. So, in this instance, from the record and the files, the source was aggressively

addressed through removal of soil, vapor extraction, heavy pumping and treating near the source, with then more pumping and treating later on for the particle contaminants outside of the initial source, which did reduce levels significantly; but now it's just a matter of understanding what will happen when you pump that 3A, and that's where the pump test is important.

MR. PICK: I just have one last question for Mr. McElroy, actually. Understanding that this is -- Well 3A was closed under a court order, will Invenergy be required to go to court to open it back up?

MR. McELROY: I wish I could say I knew the answer to that because I really don't. I've read the court order. Like anything, I think it's subject to some interpretation, but that's going to be Invenergy's responsibility. I'm sure DEM will not allow them to do this unless that issue has been cleared up, but it's their responsibility, not ours.

MR. PICK: Elizabeth, do you have any comment about that?

MS. NOONAN: Well, we certainly are aware of the order, and we weren't at the table when it occurred, obviously; but we believe it is -- there's some

ambiguity to it, and we recognize it's there; and, if we have to go back, then that's what needs to be done.

MR. PICK: Thank you.

MR. PRESBREY: Yes. You stated that you think that the pump testing will be the sole responsibility of the Rhode Island DEM. They'll be the ones that will take over the whole situation, and they'll make the determination as to what the mitigation requirements are.

MR. AHLERT: They'll be responsible for reviewing what is being proposed and approving it.

MR. PRESBREY: Do you think it would be a good idea to have somebody follow up and work like a private consultant, work in direction with DEM as to how that goes about and make sure that there's no errors and omissions on DEM's part?

MR. AHLERT: I would tell you that, in my experience in dealing with the agencies, that communities or private parties that are working with the agency will have representation participating, but the agencies have good technical people. This is their job, and they're responsible for making sure that they're protecting human health and the environment; but it's not bad to have

somebody, at least, explain to you what it is they're finding and what they're proposing so that you understand; and, if there's questions that, you know, aren't clear, somebody can help you understand what it is they're proposing to do.

MR. PRESBREY: Thank you. I believe that would be a good idea also. You know, it's just -- a good example of that is, you know, nobody's perfect. Two weeks ago, we had a Planning Board meeting. It was just a simple little subdivision design. The plan was stamped and approved by the Rhode Island DEM. We discovered in those plans that there was pretty blatant errors that DEM failed to pick up on when it was in their review process. So, I agree, I think it's a good idea, you know, to require DEM to use some outside consultants, maybe some more PhD's involved to make sure that things are going properly, you know.

Also, with the drawdown -- with the drawdown from the water that's going to be extracted from the well, it's going to draw down the aquifer. So, there's a good possibility that that water is going to level out with other aquifers, say the Harrisville, so they're going to bounce back and forth, up and down. Would that be correct? That

would be a pretty good assumption, in your opinion, with the amount of water that's going to be being utilized by the Invenergy site?

MR. AHLERT: So, the drawdown is predicated on the pumping and the pumping rate. The purpose for the pump test is to look at the drawdown and look at it when you reach some sort of stability, and that means that the aquifer is yielding the water and that the amount of drawdown is consistent. If there are other pumping going on in the area, they all are potentially having an impact on each other. So, one would have to look to see if there's other pumping that's going on and what impact that pumping would have.

MR. PRESBREY: But there shouldn't be any other pumping in the area because that water is -- that aquifer has essentially been closed down by the court order. So, the only pumping in that area would be that 3A Well, correct?

MR. AHLERT: I don't know of other wells; but, if that's the case, then 3A would be the one that would have the pump -- would have the drawdown.

MR. PRESBREY: So, if it -- if the contaminants did migrate to another aquifer, you said there would have to be mitigation that would be addressed -- that

would have to be addressed in those other well sites?

MR. AHLERT: So -- so, if the mitigation -- the well contamination that came to 3A in the beginning would be the same route that it would move again, in most instances, unless there is, as you indicated, if there's another well in the area pumping. That may have an influence; but, if Well 3A is the one pumping, anything that's in the source area would be pulled towards the well.

MR. PRESBREY: So, by the amount of water that Invenergy is going to be using for their site on a daily basis, it would not make any difference; it would not change the mitigation rate of the contaminants?

MR. AHLERT: I'm not sure I understand the term mitigation rate.

MR. PRESBREY: I'm sorry, not mitigation. The migration rate of the contaminants, because you're drawing so much water, it's not going to cause the system or the aquifer to spread the contaminants in a quicker way?

MR. AHLERT: Well, they're going to migrate towards the pumping action. Where the well is pumping and the drawdown is occurring, the migration will occur towards that well. It will occur the way

it did in the beginning when the well was pumping when the first contamination was identified; and the pump test will give you an idea of what the rate will be. So, you'll have some understanding of what rate might be occurring by looking at the wells, looking at the drawdown and looking at the levels of contamination.

MR. PRESBREY: So, by pumping it to 3A, it's going to -- it can't hurt the system, the situation; it can only improve it?

MR. AHLERT: So, it's a definition of what you mean by improve it; and the reality is, if you're pumping the well and you're removing contaminants and you've removed the source, you're removing mass. So, you're removing the contamination that exists in the system. What it is you're expecting, where you're trying to get to and what it is you want to achieve is a bigger fundamental question. This is for using a supply well for water. It's not necessarily for the purpose of remediating the aquifer.

MAN FROM THE FLOOR: That's what the court order says, remediation.

MR. PRESBREY: Okay, thank you.

MR. FERREIRA: Hi, Bruce Ferreira, Planning

Board member. I got a few questions. First off, the last public hearing, Mrs. Solman, S-O-L-M-A-N, did a report that really addressed a lot of the MTBE. I was wondering if anybody has had a chance to review that yet.

MR. AHLERT: I'm not aware of it.

MR. FERREIRA: Okay, all right.

MS. NOONAN: Was that part of the public comment submission?

MR. FERREIRA: Yes.

MS. NOONAN: Then we would have responded to that, my understanding.

MR. FERREIRA: Was there a response? I haven't seen any. It did address quite a few issues anyway.

MS. NOONAN: Well, I'm not positive. Were there specific questions? I don't know.

MR. FERREIRA: There was an issue in there that addressed the well and the MTBE contamination and the plume and the process for removing and mitigation.

MR. AHLERT: So, I did review a lot of responses and information, and that could have been one of the responses. I don't remember the name.

MR. FERREIRA: Interesting. Okay, thank you. Now, bringing the water from Well 3A based on maximum flow down to MTBE of non-detect, this water is going

to be sent to the plant, to the facility, where it's going to be broken down into different locations. I understand that part of it is going through the reverse osmosis system to clean it up even more. Are you familiar with this at all?

MR. AHLERT: Okay, I don't deal with the plant side and the water and how they treat the water at the plant.

MR. FERREIRA: So, there is a cutoff point where you are involved here?

MR. AHLERT: I am looking at the use of the water from 3A.

MR. FERREIRA: Very good. How about the reuse of the water? After the water has been treated to non-detect and sent to the plant for cooling, to be utilized in the cooling of the steam system, to bring it back down for condensation, what would happen to that water? I mean why would we want to send it to the Sewer Department, if it's already been scrubbed down to a non-detect on the MTBE? Wouldn't we be better off trying to reintroduce that to the contaminated area of the wellhead to kind of like act as a flushing system? To me, if you wanted to wash out the MTBE, you want to get some kind of a cycle going, instead of trying to rely on the natural flow

of the water entering the aquifer. You're up.

MR. AHLERT: So, I looked at 3A and the use of 3A and the issues associated with the contaminants in 3A. I have not looked at those issues.

MS. NOONAN: Bruce, Mike Feinblattt from ESS is here. I'm not sure if he can specifically answer that question; but, if you want, we can bring him up later to address some specific questions.

MR. FERREIRA: Okay, that would be great. I don't know if you're the right person to ask this, but I'm going to give it a shot anyway. As a clean water expert and understanding the entire process of the way the water comes through to the aquifer to the Town of Burrillville for drinking water, the entire Town of Burrillville drinking water, do you think it's a good idea to take a chance at the very head of the recharge process? I mean doesn't it seem kind of like you'll be taking a chance at screwing up our water supply in any way? (Applause.)

MR. AHLERT: So, you're talking about the recharge and capacity and quantity?

MR. FERREIRA: Yes.

MR. AHLERT: Which is not something I was asked or have I been involved with.

MR. FERREIRA: Thank you.

MR. KRAVITZ: Hi, I'm Tom Kravitz, the Town Planner. In looking at the past tests that were run, at what rates were those run compared to the rate you would have to pump the test for this facility, assuming the maximum draw, which I think it was 643 gallons a minute? Do you know what I mean? Were those past tests when they tested for contamination, did they pump at the same rate as what will be pumped to confirm what we need to do for the facility?

MR. AHLERT: As I recall, the pumping rates were 170 to 250 gallons a minute. So, they're not at the same rate as the maximum number that would be potentially pumped at, but they're at a rate that would be the regular rate that would be proposed.

MR. KRAVITZ: Okay. So, let's assume the facility uses the 643 gallons a minute, wouldn't you have to test the well at that rate to see how the aquifer performs?

MR. AHLERT: Oh, you should include that in your pump test, and I would believe that that would be part of the proposed pump test, some sort of step up, step down, so you're pumping at the different rates that is consistent with how the well is going to be used in operation.

MR. KRAVITZ: And now, I know you're not

designing the system, so I'm getting -- you know, I'm getting there; but that's a lot of water to draw out, so you'd have to store it somewhere before you trucked that water away, right, to -- how would that happen? You'd have to build a tank on site near 3A, and how big would that tank have to be?

MR. AHLERT: So, I'm not designing the system.

MR. KRAVITZ: Right.

MR. AHLERT: But they can use carbon, or they can use tanks; but there's different ways that they can address dealing with the water during the pump test.

MR. KRAVITZ: Maybe that's a question for you, actually, if you know what, you know --

MR. HEVNER: For the discharge of the water during the pump test?

MR. KRAVITZ: Yeah, what do you do with it?

MR. HEVNER: Would you apply to DEM for a RIPDES permit as part of the pump test?

MR. AHLERT: So, RIDEM did -- there's been other pump tests, and they used carbon; and, as I recall, in at least one instance they discharged to the stream.

MR. HEVNER: Without treatment?

MR. AHLERT: No, with treatment.

MR. HEVNER: Okay. So, and at that time it's --

MR. AHLERT: But that's not the only way one can do it. There are different ways that it could be done. They could go to the sewer. They could go to ground infiltration. They could go to the stream, but they have to treat for the appropriate levels based on directions from RIDEM.

MR. HEVNER: But there would be a permit involved?

MR. AHLERT: I am not involved with the permitting process, but most of time there's a permit involved.

MR. HEVNER: Sure.

MR. PARTINGTON: Okay, Elizabeth.

MS. NOONAN: Just before it goes to further comment, can you sort of explain the Basic 101, Wells for Dummies for me, which is how does Well 3A work? I mean is it static? Is it flowing? I mean I know it's not being pumped now, but what's happening? It's not in a tank somewhere. Can you explain the dynamics and structure of Well 3A?

MR. AHLERT: So, Well 3A is -- I believe it's 50 feet to bedrock, and then it's probably another 20 or 30 feet; and it's probably an open bore hole to some respect, and the pumping occurs from the bedrock

formation, so the water is withdrawn from the bedrock. Under non-pumping conditions, the water is migrating. Unless there's other wells in the area influencing, it will migrate with the general regional groundwater flow; and I didn't look into the regional groundwater flow, but it's usually towards a receiving stream, a river; and so it will be moving at some rate which can be calculated through pump tests, as well as just monitoring groundwater flow in wells and elevation change in wells. So, it's not -- and the word static is probably not the proper word, but it's not sitting there going nowhere. There's -- the water is generally moving, but it's moving with the regional water flow. There's a recharge point, and then that water will migrate to a point where it discharges usually to a surface water body.

MR. PARTINGTON: Have you looked at the regional water flow? Because we've had some questions about the effect of the Clear River on separating Harrisville and Pascoag and also that, if there's a significant draw on this well, that it may have an effect on the river. So, have you looked at these patterns?

MR. AHLERT: I haven't looked directly at that; but, clearly, it's part of the pump test that you

look at the elevation change at wells in the area to see if there's an impact or contributing factors, and you can look at things like where the streams are and things like that and get elevation information to see if there's contributing influences.

MR. PARTINGTON: Okay.

MS. NOONAN: And, also, in addition to the pump test you're talking about, those would be done under RIDEM's authority, correct?

MR. AHLERT: So, as I stated, they would be done with RIDEM's review and approval. Since RIDEM did the original work, they're not doing the work; but they're involved to make sure that it is appropriate and it's doing what's necessary to gather the right data for an appropriate decision.

MS. NOONAN: And if during that process RIDEM felt that a vapor intrusion test was appropriate, would that be something that they could require?

MR. AHLERT: Absolutely. I would expect that they're going to at least want to know if there's data that can be used for an evaluation of whether vapor intrusion is a concern.

MS. NOONAN: I'm all set.

MR. PARTINGTON: Okay, thank you very much. Any other questions? (Pause and no response.) Okay,

thank you, sir. Gentlemen of the Board, if you have other questions for the other experts, I believe this is the time to do it.

MS. NOONAN: You want me to bring them up?

MR. FERREIRA: Yes, please. You might as well bring traffic up, too.

MR. PARTINGTON: Mike, if you want to come up, and Maureen.

MAN FROM THE FLOOR: Will there be public comment?

MR. PARTINGTON: The public comment portion was closed last time. However, if you give me a second, I will accept questions about water only, okay. So, if you want to do it, about water only, okay. Depending on the number, I'll poll you in a minute to see how many want to come up and talk, and we'll put together an order, if there are a number.

MR. FERREIRA: Who's our expert this time?

MS. NOONAN: We'll give a shot at your questions to Mike Feinblattt from ESS who you've heard before.

MR. FERREIRA: Thank you. The question I came up with before was pretty much, with the MTBE -- with the MTBE being treated to a level of non-detect, it's being sent to the plant; and I understand that the water being sent to the plant is being broken down

into four different uses. One of the uses goes to the reverse osmosis system to make the steam that's going to turn the turbines; and I understand there's going to be filtered material that needs to be disposed of. The other one is the non-detect water coming directly from the well is going to be used in the cooling towers or in the cooling system.

MR. FEINBLATT: There are no cooling towers. It's a dry-cooled plant.

MR. FERREIRA: Sorry. In the cooling process, it's going to be used in the cooling process though?

MR. FEINBLATT: There are evaporative coolers that are used, but there are no cooling towers. It's a dry-cooled plant.

MR. FERREIRA: So, this water is going to be used entirely to make steam?

MR. FEINBLATT: Yes. Primarily, yes.

MR. FERREIRA: So, there's going to be that much more steam that they have to -- that there's such a requirement for replenishment?

MR. FEINBLATT: I think what you're thinking about is the 900,000 gallons per day.

MR. FERREIRA: That's right, yes.

MR. FEINBLATT: That would only happen when a plant fires oil; and what happens when you fire oil

is you have to inject water into the gas stream for NOX emissions control. So, most of the difference between the water use from gas firing versus oil firing, that difference in water -- most of that water gets injected into the stack and is used for emissions control.

MR. FERREIRA: Under normal gas fired operation, though, the steam -- is that steam going to be condensed and the water recovered for reuse?

MR. FEINBLATT: Yes, in the heat recovery steam generator.

MR. FERREIRA: Yes?

MR. FEINBLATT: Yes.

MR. FERREIRA: Other than that, the water that's going to be going back through the septic system to the wastewater treatment plant, --

MR. FEINBLATT: Correct.

MR. FERREIRA: -- what's that water from?

MR. FEINBLATT: That's the reject from the RO and other uses within the plant.

MR. FERREIRA: Okay, the reject from -- the reject from the RO, obviously, it's going to be a non-detect MTBE, so that's not an issue. Why couldn't that water in some way be used to recharge the area around Well 3A to come up with some kind of

like a flushing action?

MR. FEINBLATT: Because there's a lot of metal piping in the plant. So, as the water works its way through the plant, very small amounts of residual metals can get into the wastewater. So, the water isn't completely non-detect for all pollutants. There will be some trace metals, potentially, other contaminants that can be treated at the wastewater treatment plant. So, it isn't water that you'd want to reinject into the ground. It does require some treatment.

MR. FERREIRA: So, there is no way of just using this to filter out, to filter out or flush out the MTBE in the Well 3A location then?

MR. FEINBLATT: You wouldn't want to be reintroducing other contaminants that aren't present right now, and there are small trace amounts.

MR. FERREIRA: I'm asking this because I was asked, and I couldn't come up with an answer for it.

MR. FEINBLATT: Yes, there are -- again, there's a lot of metal piping in a power plant, so you get very, very low levels of trace metals that can be in the wastewater. So, the wastewater treatment plant will impose very strict limits on those, but you do want to send that water to the wastewater treatment

plant.

MR. FERREIRA: And there wouldn't be -- is there any way of filtering out that and using that for that purpose?

MR. FEINBLATT: It's really not practical. I mean, you know, I'm not a wastewater expert per se, but this is really the way it's done at every power plant around the country. There just are some trace elements that remain in the wastewater, and the most practical way to dispose of that is to send it to a wastewater treatment plan. It's not to say what you're suggesting isn't impossible, but that would be something well beyond the ordinary.

MR. FERREIRA: There was some concern listed before that there would be as much as 200 ppb of the MTBE in the refuse from the reverse osmosis system; with us doing a non-detect at the wellhead now, is that still an issue?

MR. FEINBLATT: No, that's a remnant of the original plan to treat to 40 parts per billion. Now that we're going to non-detect, that 200 parts per billion is no longer -- is no longer what the wastewater will contain.

MR. FERREIRA: You haven't seen the PUD report then, right?

MR. FEINBLATT: No.

MR. FERREIRA: That's all I got. Thank you.

MR. FEINBLATT: You're welcome.

MR. FERREIRA: Traffic. So far you've been talking a lot about the traffic from the construction phase.

MR. PARTINGTON: Sorry to interrupt. He has some more water questions, if you would allow.

MR. FERREIRA: Sorry.

MR. HEVNER: Could I ask you a question about the treatment prior to discharge of the spent process water? Is it infeasible to treat it for a sustainable reuse? You'd have to treat it. Once this processed water is spent and you have metals, you'd probably have a total dissolved solids issue in the water. Is it not feasible to treat it?

MR. FEINBLATT: I would say it's not feasible. It's an option, but I think the preferred option would be to send it to the wastewater treatment plant.

MR. HEVNER: Okay. And there was another statement in the application relative to the frequency of how often you'd actually have to go on fuel oil. It was -- I think it was over a five-year period it's only happened a few times. Is there any

more information from ISO New England on how frequent that happens, how frequently it's expected to happen going forward?

MR. FEINBLATT: Well, basically, the only time that a plant like this would fire fuel oil would be when natural gas is unavailable. They wouldn't -- their air permit will basically prohibit them from firing fuel oil as a choice. They can only fire fuel oil when they are directed to fire fuel oil by ISO New England because natural gas has been deemed to be unavailable. That will typically happen during a cold weather event when the natural gas supply is being diverted for commercial and residential heating use, and there isn't enough for all the power plants to use. They'll ask certain power plants to run on fuel oil. So, this will never be a choice of Invenergy's. This will also be directed by ISO New England. Now, over the last several years, this has really only happened on average a couple -- you know, two or three days a year, typically; and, because the natural gas supply system is being built out, the expectation is that, over time, those two or three days a year will become even less frequent because the potential for the natural gas supply system becoming so overwhelmed that it has to be curtailed

will just become less and less over time.

MR. HEVNER: So, would it be two or three days together, or would it be two or three days spread out, where it would be a half a day here, couple weeks, another cold snap, then a half a day? Would it be two or three days concurrently or spread out?

MR. FEINBLATT: It's hard to predict. It could be a couple of days; but, typically, it would be a day here, a day there. Another important thing to point out is that there will be water storage on site as well, so there's been a lot of talk about, you know, the 900,000 gallons a day. There's make-up water on site, you know, 800,000 gallons of storage water on site as well. So, they don't necessarily need to draw 900,000 gallons a day while they're firing fuel oil. There will be the ability to use some of the on-site storage for that as well.

MR. HEVNER: So, between what 3A produces and what you have for on-site storage, how many days could you run during a cold snap in the winter if you have to go to fuel oil?

MR. FEINBLATT: I believe it's about five days.

MR. HEVNER: Okay. Has there been calculations on that?

MR. FEINBLATT: Yeah. That's very easy to

calculate.

MR. HEVNER: Okay, at some point then, yes.

MR. PARTINGTON: Bruce, before we continue, anybody else have any questions on water, if you don't mind?

MR. FERREIRA: I do.

MR. PARTINGTON: Fire away.

MR. FERREIRA: Ocean State Power has a very large diesel supply tank on site as well. Are you aware of that?

MR. FEINBLATT: I am.

MR. FERREIRA: Do you know what's stored inside that tank?

MR. FEINBLATT: Right now it's diesel. They switched back.

MR. FERREIRA: Thank you.

MR. PRESBREY: So, if you're going to be using -- I guess my real question is: Will those two million gallons of diesel fuel be stored year round on the site, or will it just be during the wintertime?

MR. FEINBLATT: Year round.

MR. PRESBREY: So, two million gallons stored on site year round, just in case they'd have to fire up with oil. How fast does it burn the oil, when it

is -- say, both turbines are running on oil, how fast does that go?

MR. FEINBLATT: About three-and-a-half days.

MR. PRESBREY: So, that's why you have to store two million gallons of fuel oil on site?

MR. FEINBLATT: Yeah, I mean part of the capacity market is that the plant has an obligation to be available. So, when natural gas is curtailed and they're called on to run on oil, they have an obligation to be available.

MR. PRESBREY: Okay, thank you.

MR. FERREIRA: A follow-up to the oil, please. You're going to be storing oil all year long. You know that there's -- I got to go back to Ms. Sloman's report again where it references the shelf life of diesel fuel with the additives. There is a shelf life on diesel fuel, how long you can store it and, you know, how much time you have to use it. What happens when you go beyond the shelf life?

MR. FEINBLATT: Well, they'll do testing to maintain the readiness of the system. So, periodically throughout the year, they'll run fuel oil for short periods of time just to keep the system maintained and ready.

MR. FERREIRA: How is that going to tie in with

the five days you were just talking about?

MR. FEINBLATT: Well, this would be for short periods of time. It's just to maintain the system because, as you said, you can't just let the system sit all year long.

MR. PARTINGTON: Generally, how long would that be, when you say a short period of time?

MR. FEINBLATT: Like five minutes on a shutdown just to keep the pumps -- make sure the pumps work. It's just part of the maintenance program.

MR. PARTINGTON: Okay.

MR. FERREIRA: All right. This actually ties into the traffic as well. So far we've been -- I'm sorry.

MR. PARTINGTON: Go ahead.

MR. FERREIRA: We've been talking a lot about traffic, and I keep on hearing references made to the construction days of the entire operation. We got to be concerned with more than that; and I'm going back to the same intersection, High Street and Church Street. When the plant starts using diesel, it's going to be getting deliveries; they're going to be in 18-wheelers. It's not going to be triple axle construction vehicles. That intersection is not just dangerous, but it's pretty much lethal. I really

think that needs to be looked at again.

Something happened to me within this past week where I was in front of CVS waiting for an 18-wheeler to make the turn, and it was just a straight flatbed. He had the cab all the way up against the curbing on the CVS side, and he was doing a left turn, so that's just about the easiest you can do with an 18-wheeler. The back tandem wheels on the trailer actually went up over the sidewalk on the Echo Lake Plaza side. Before the back tandem wheels got back on the right side of the road in front of CVS, he was pretty much even with the front of my truck; and I stopped down near the exit for the CVS, so there was a good six car lengths in front of me. That entire intersection has to be re-looked at. It's not going to handle 18-wheelers, especially when you start talking about (Applause.) -- sorry about that -- when we start talking about having three deliveries of diesel fuel per hour. So, we're looking at six trips. We're looking at 144 trips of 18-wheelers going through that intersection. I'm not worried about construction. I'm more concerned about operation, the normal operation. In addition to the 18-wheelers with the fuel, you're also looking at hydrogen being delivered, that tank -- ammonia and hydrogen being

delivered for standard operations there. So, --

MS. CHLEBEK: So, at that intersection, are you suggesting that parking restrictions or widening or --

MR. FERREIRA: There is no parking in that intersection. I mean it's --

MS. CHLEBEK: It's the widening?

MR. FERREIRA: Please, thank you. There is no street parking at that intersection. It's strictly the roadway, the sidewalks and curbing, and there's just not enough room. There's not enough room to make a swing through there.

MS. CHLEBEK: Yeah, we did inspect that intersection in the field. We looked for evidence of damage by truck vehicles. We did do a whole report on the truck route, and we had that all documented. So, there are trucks that size going through those intersections today. I realize you had a bad incident, but that is a designated truck route today. We also continue to coordinate with RIDEM on this matter. We have to go before them for permits and all, and we will continue to coordinate with them.

MR. PARTINGTON: I think one of Bruce's major things is that, although it's possible, it doesn't necessarily mean that it is easy or that it is

something that's desirable to have, you know, vehicles of that size go through, given the constrictions that are there. So, if I paraphrase, sir, I apologize.

MR. FERREIRA: Okay, one other question, and it's not even that it's a tight intersection. It's that it's pretty near impossible to make that turn. Add into that the fact that this part of the State, especially in the Pascoag part of the State, when winter comes around the snow build-up on that side of the road reduces it even more. It's going to be pretty much impossible, especially when you talk about running in diesel mode during the winter months. When it would most likely be in diesel operation in the winter months, that's when the most deliveries would be necessary. So, I really think that needs to be re-done.

MR. FELICE: If I could just take a moment, my name is Leo Felice. I just want to echo maybe some of the sentiments with regard to the traffic, and I'd just like to make a suggestion; and I've seen and heard of this done in other areas. It's almost like doing in advance, but do a reality drive, literally get that size vehicle and drive it through in optimum conditions of weather at the highest traffic points,

and then that will give you a reality check on what it's going to be like in the wintertime, not so much just for accidents; but, if a truck gets stuck there for a period of hours, that's a major intersection. So, it may be worthwhile to even consider doing a real drive through with a really loaded vehicle, whether it's water or oil, just to give you some idea how that may really turn out for you.

MS. CHLEBEK: Yeah. So, one way we could maybe look at that is to implement what we call turning templates, where we actually draw onto a map how the truck wheel base would turn at that intersection, so we can look at that in terms of whether or not that size truck can make that turn. We have done an accident analysis. That intersection did not come up with a high accident rate. So, we're not seeing evidence of a lot of crashes at that location.

MR. FELICE: And I appreciate that, and I respect that, but there's an analysis.

MR. PARTINGTON: Excuse me, Leo. I'm sorry. Ladies and gentlemen, it's her opinion. Remember, even though you don't agree, I understand. It's their expert. Even though you don't agree, please let her say her piece. My apologies, sir.

MR. FELICE: Not at all. Again, not to rain on

your analysis, I understand those are great fundamental guidelines, and 99 percent of the time they'll give you the information that you want; but I think if you took the opportunity to drive a full size vehicle through there during high traffic, you may find more information -- you may gather more information than your analysis is showing. You'll get a reality check.

I'll make a very quick comparison. When we train for combat, it's one thing to train; but when you're in the field, it's a whole another ball game.

MS. CHLEBEK: I appreciate that, combat. At the same point, those delivery trucks are not going to come through at the highest traffic points. It's not going to be convenient for them to endure those traffic situations. So, those deliveries are going to be made at other than peak hours.

MR. FERREIRA: Going back on the same subject, -- excuse me, my turn. Your turn comes up later. (Referring to noise from the audience.)

Going back on the same subject and the same intersection, I'm going to hop on this for a while, I'm sorry. Let's put it this way: You're running diesel in that power plant. You need three deliveries per hour to keep running. You get one

truck jammed; you're not going to get any deliveries per hour. You're going to be out of diesel, and you're going to be trying to suck some gas to fire up the turbines again. That intersection has too much potential for jamming up an 18-wheeler, and that's where all your deliveries are going to be coming from. They're not coming through on triple axle trucks. They're coming through on 18-wheel tandem trailer trucks. So, get out there. I don't care if you have to rent one to see what it actually needs; but, just as he was saying, I've got about 20 years of driving in the military, everything from tractor trailer trucks to trucks with howitzers attached to them. I would not want to do that intersection, unless I could legally drive over the curbing and the sidewalk and whoever else happened to be there.

(Applause.)

MR. PARTINGTON: Okay. Everybody all set? Okay, all right, excuse me. Okay. So, yes, sure.

MR. McELROY: I'll address this to counsel for Invenergy, and you can respond now or respond after the meeting, if you think that's more appropriate for you. I have two questions, both of which deal with whether or not Invenergy would be willing to make a commitment to the Town. The first question is:

Would Invenergy be willing to make a commitment to the Town to reconfigure that intersection?

MS. NOONAN: We haven't studied it, and we can take a look at it and advise you of that.

MR. McELROY: Let us know as soon as you can. And the second is there have been a number of promises made, especially with regard to the noise, that the 43 dBA would be met; and we know that there would be an EPC contractor would be held to a breach of contract if it was not met; but, as we understand the way the EPC works from the PUC hearings, that's between Invenergy and the contractor. So, the penalties run in those directions, and the Town gets no benefit from that at all. So, for example, if the noise is violated, while there may be some rights that Invenergy would have against the contractor, the Town has no rights; yet, it's the Town that's suffering from it. So, my question is this: Would Invenergy be willing to commit to obtaining a performance bond that would run in favor of the Town with penalties per day being paid if the noise commitment is not met?

MS. NOONAN: Again, thanks. We'll respond to both of those.

MR. PARTINGTON: Okay. Ladies and gentlemen, if

anyone would like to speak, I just want to look at hands first so I know how many. And, remember, this is only on water, okay; so, nothing else, just water.

MAN FROM THE FLOOR: She also talked about traffic, correct?

MR. PARTINGTON: No, that's closed. That was in the last session. It's only water. If you want to speak on water, then -- Tom, do we have a pad that we can use? Because it looks like we've got -- well, just so I know, like we did last time so that we can put it in order; and it would work out better for the stenographer. So, if you'd like to -- why don't we take a five-minute recess. If you want to sign up to speak, we'll put a pad out there. Remember, it's on water only.

(Recess.)

MR. PARTINGTON: Okay, folks, we're going to come back into session. As I said, the public hearing portion is closed. I'm going to allow it on water only, two minutes, and questions only. What I don't want is a speech. What I want is questions. If you have specific questions, you will address the specific questions to me, okay; and then we will try to answer them for you. Okay, I'm going to go in order. There are 17 people, okay. So, first is

Ken Putnam.

MR. PUTNAM: Can you hear me? My name is Ken Putnam, Jr. I live on 500 Wallum Lake Road. My question is -- I want to thank yous, first of all, for letting us speak. I really appreciate all you men and that, and the ladies also, talking about this to Invenergy, right. This is so important, and I noticed up there all you folks have got water. You like water. We need water. My big question is: Does anybody think about Pascoag lost their well, so we went to Harrisville, and we're drawing two towns out of that well in Harrisville? If Invenergy gets to pull out of that well, that's going to be three towns -- or they're going to pull more water, probably, than we are from Harrisville. That's going to be three towns pulling out of our aquifer. That aquifer has to go down. That has to hurt all the wells in the area of Burrillville also. I can't understand how we can do this with them, and there's some questions there that you asked; and my memory is so darn short, I can't think of them all; but you asked a question up there about oil. They claim that oil and water don't go together. So, if it doesn't go together and they pass it on to the sewer company, what's going to happen with our sewer company?

MR. PARTINGTON: And that was a separate issue. So, on your first -- I believe the testimony of the gentleman tonight was the water tests are important to do, and that would determine what the draw is going to be. So, that would be under the guise, and correct me if I'm wrong, sir, and that would be under the guise of the Rhode Island Department of Education -- I'm sorry, I'm sorry. I'm a teacher, so everything is Department of Education. I apologize for that -- under Rhode Island DEM, and they will be the ones that would monitor the effect on the aquifer.

MR. PUTNAM: Okay.

MR. PARTINGTON: Thank you, sir.

MR. PUTNAM: Yeah, I'm going to have to let it go there because I'm drawing a blank, but I appreciate your letting me speak about that, and it's so important for all of us that live in Burrillville to think about our water supply.

MR. PARTINGTON: Yes, sir. Thank you.

MR. PUTNAM: Thank you.

MR. PARTINGTON: Robert Perreault, Jr.

MR. PERREAULT: Hi, my name is Robert Perreault, P-E-R-R-E-A-U-L-T, Jr. I live at 20 Stewart Court, Harrisville. My question is about the vaporization.

From what I understand from what I'm reading, and I'm no water, you know, specialist; but the more they draw down the water, it leaves a gap between the bedrock and the aquifer, and that's when vaporization happens. Well, drawing as much water as Invenergy needs increases the risk of that happening because it's already happened in the past. We already know there was at least one house that had to be treated for vapors. Yes, it was right next to the plume, but we have Bradford Court which is right across the street which is older folks who are already in, you know, compromised health; and the only bank that we have in town, the Credit Union, is right there. So, if we lose those because of vaporization, and who will pay for the remediation of that, if that happens? Is it up to the individuals, or is it something that Invenergy would take care of?

MR. PARTINGTON: Thank you. I believe, also, the testimony this evening was that, and I believe Mr. Hevner asked the question, what would end up or who would be responsible for doing those tests? And I believe the testimony this evening was that those tests would be done, once again, through RIDEM; and they would be the ones responsible for monitoring to ensure that the vaporization is there. Did I

characterize that correctly?.

MR. AHLERT: Yes, you did.

MR. PARTINGTON: Thank you. Next is David Brunetti.

MR. BRUNETTI: Hi. I just have a couple questions here. So, the first one is on on-site water storage. It has come to my attention that there will two storage tanks on site for water. According to John Niland of Invenergy, one would be a 750,000-gallon capacity storage tank for raw water, of which 300,000 gallons must be held in reserve for fire protection, while the other will be a 1.865 million gallon capacity storage tank for demineralized water. Additionally, this water totalling 2.3 million gallons will be consumed every 3.65 days and listed as an addition to the 3.8 million gallons of water planned to be consumed from PUD Well 3A over that same time period of 3.65 days, for a total consumption of six million gallons every 3.65 days, which breaks down to slightly more than 1.6 million gallons per day.

Questions: (A) Will one, both or neither of these tanks be underground storage tanks?

MR. PARTINGTON: Okay. Gentlemen?

MR. FEINBLATT: It will be above ground.

MR. PARTINGTON: Okay, it will be above ground. Also, if I can interrupt, sir, are you in agreement with his facts and figures?

MR. FEINBLATT: No.

MR. PARTINGTON: Okay, thank you. Go ahead.

MR. BRUNETTI: So, the facts and figures are directly from the comments from Mr. McElroy as received by John Niland, and I have the printout of that, if you'd like to see it.

MR. PARTINGTON: No, it's okay.

MR. BRUNETTI: Second, does all or a portion of the water to be stored in the demineralized water storage tank consist of steam condensate deterrent after it passes through the air-cooled condensers?

MR. FEINBLATT: No.

MR. BRUNETTI: If it is not the condensate from the steam, then from where would the water for the 1.86 -- excuse me, 1.865 million gallon storage tank be sourced?

MR. FEINBLATT: It would be from the well.

MR. PARTINGTON: From Well 3A?

MR. FEINBLATT: Well 3A.

MR. BRUNETTI: Okay.

MR. PARTINGTON: Can you finish up, sir.

MR. BRUNETTI: Yes, I have one more comment.

As a follow-up to Mr. Ahlert's comments and references to the studies performed by RIDEM which indicate that the MTBE level is down to approximately 40 to 45 ppb:

(A). Are those documents part of the public record?

And (B). Will the Town Assistant Solicitor, Mr. McElroy, obtain those documents and have them published, excuse me, published on the Town's website?

MR. PARTINGTON: Thank you, sir. Your answer, gentlemen?

MR. AHLERT: I believe those documents are part of the public record, yes.

MR. PARTINGTON: Okay, and --

MR. McELROY: Could you make them available to us, please.

MS. NOONAN: The water tests?

MR. McELROY: The past pump test records. Isn't that what you were talking about, the past pump test records?

MR. AHLERT: These are the GZA report and the reports done by the consultants for RIDEM.

MR. McELROY: If you could make those available, we'll put them up on the website. Thank you.

MS. NOONAN: Okay.

MR. PARTINGTON: Thank you, sir.

MR. BRUNETTI: I'd like to submit this statement about the water.

MR. PARTINGTON: Okay, if you just leave it there. Thank you. Dennis Anderson.

MR. ANDERSON: Dennis Anderson, 593 Whipple Road. I won't offer numbers, but I want to hear numbers. So, what is the total water demand with two units firing on diesel per day maximum?

MR. PARTINGTON: I believe it was 850 to 925,000 gallons. No, I think it's total.

MR. ANDERSON: What's the answer?

MR. FEINBLATT: 1.6 million.

MR. ANDERSON: 1.6 million?

MR. FEINBLATT: Gallons per day.

MR. ANDERSON: On diesel. What's the number when they're running on gas?

MR. FEINBLATT: 105,000.

MR. ANDERSON: Okay. Tonight the reference was only Well 3A, and for months they've been talking about Well 3 and 3A. So, is it just 3A now?

MR. FEINBLATT: It's Well 3A.

MR. ANDERSON: That's your only source of water?

MR. FEINBLATT: Yes.

MR. PARTINGTON: It's the same. It's the same well. I think people have said 3, but I think it's 3A is the technical --

MR. ANDERSON: All right. Having been here only 14-and-a-half years, is there anybody who's been here longer that can tell me what the average and maximum daily pumping out of Well 3A was before the incident?

MR. FERREIRA: It was recorded, but -- it was recorded, but it was shut down pretty quick.

MR. PARTINGTON: It has been recorded as to what it was. I am sure Pascoag has it. 650? And I believe there is a capacity rating for it, and I think that capacity was in the 800,000 range per day. I believe that came up, in my foggy memory; and that's why we had stated their data of pumping 950 was in excess of that, and we were wondering if it is possible to do that.

MR. ANDERSON: Well, a million, six is twice that. That's why I was trying to make sense out of how many days they could go with the on-site plus the pumping. It now makes a lot more sense, that 1.6 million, when you can only make 800,000; but on gas it's 105. I hadn't heard that number before. Thank you very much.

MR. PARTINGTON: Thank you. Thomas Trimble.

MR. TRIMBLE: Thomas Trimble, 26 Alice Avenue. Both units -- 26 Alice Avenue, Oakland. Running two units on gas requires -- I think you just gave a number for the water usage, a hundred and --

MR. PARTINGTON: 105,000.

MR. TRIMBLE: For both units per day?

MR. FEINBLATT: Yeah, both units.

MR. TRIMBLE: Okay. And so, the major consumers of that water would be like your feed and makeup system, the evaporator system. Is there another major usage for that water operating on gas?

MR. FEINBLATT: No, those are the two major uses.

MR. TRIMBLE: What would be the proportion of the two?

MR. FEINBLATT: I don't know that off the top of my head.

MR. TRIMBLE: Okay, well, say they're fifty-fifty. Your evaporator system would run on the filtered well water, correct, going through the activated charcoal?

MR. FEINBLATT: Correct.

MR. TRIMBLE: And be evaporated into the atmosphere.

MR. FEINBLATT: It's a dry-cooled plant. There

is no cooling tower, if that's what you're talking about. We do have evaporative coolers to cool the inlet air during the summer, but there is no cooling tower.

MR. TRIMBLE: And then your other water usage would be like your feed and makeup system that goes through a reverse osmosis system, correct?

MR. FEINBLATT: Correct.

MR. TRIMBLE: So, Invenergy -- like, the effluent from that, would any of that be considered toxic waste?

MR. FEINBLATT: No.

MR. TRIMBLE: That would be discharged into the sewage system?

MR. FEINBLATT: Yes.

MR. TRIMBLE: All right, okay. Thank you.

MR. PARTINGTON: Thank you. Jason Olkowski.

MR. OLKOWSKI: Hi, Jason Olkowski. I'm going to go quick. Let me know if I'm going too quick. So, did the experts say that they were still treating this water -- treating the well at this moment in time? Did I hear that correctly earlier?

MR. AHLERT: I do not believe it is, but I could not find when they turned off the treatment system, RIDEM did.

MR. OLKOWSKI: Okay. I'm pretty sure I heard earlier in the meeting that that water was still being treated. However, as per PUD, that water is not currently treated, and they have no plans to remediate that well until they were approached.

MR. AHLERT: So, the water that I'm referring to is source water, groundwater, where they have a pumping and treatment system, not 3A.

MR. OLKOWSKI: Okay. Well, PUD has no plans to remediate that at this time. So, keying off that, I wonder if you can clarify something for me. The expert also said -- I'm sorry, I forgot your name.

MR. AHLERT: Bill.

MR. OLKOWSKI: Bill. Did you say that the purposes of this water treatment system is not really for remediation purposes? I think you said something about that tonight, that it was not going to be for remediation.

MR. AHLERT: No, the pumping of 3A is not a remedial system; but, by the removal of contaminants that are in the groundwater that comes through 3A, you are, in fact, removing mass which is remediation, but it's not designed to remediate the aquifer.

MR. OLKOWSKI: Okay. So, not designed to remediate the aquifer?

MR. AHLERT: Not the pumping of 3A by itself.

MR. OLKOWSKI: Okay. If you were going to remediate the well, where would you do it? Would you do it from that same well, if you are going to remediate the aquifer?

MR. AHLERT: So, the aquifer has been addressed. To what extent, I don't know how far RIDEM has gone, but the purpose was their system was re-treating the aquifer. 3A is only pulling water from the aquifer that's impacted.

MR. OLKOWSKI: So, you wouldn't necessarily pull from 3A, if you were going to be treating the aquifer?

MR. AHLERT: So, the remedial system is already in place. I don't -- again, I don't know the status of that remedial system.

MR. OLKOWSKI: Okay. And this is what I'd ask: I'm following up on a question from our last meeting that the gentleman was not here to bring forward. So, I'd like to read a question -- I'd like to read a question from last week's meeting. During the last session, Invenergy stated they planned to remediate the contaminated water in Pascoag. This was the gentleman's statement. This statement is a bit deceiving. According to PUD's expert, the optimum

location to extract and remediate the contaminated water would not be Well 3A. It would actually be the location where the plume is at its highest concentration. Throughout this entire process, the entire focus has been to determine what would be required to bring Well 3A back in service, not how to most effectively resolve our water issue; and I would like to point out that at least five times the applicant has made statements that they are planning to clean up our water source.

Going back to the March 31st meeting, there was a quote made they were going to clean a contaminated aquifer. There were quotes made on the Dan York show at the previous Planning Board meeting.

MR. PARTINGTON: Sir, is there a question?

MR. OLKOWSKI: There is a question.

MR. PARTINGTON: If you could get to that, sir.

MR. OLKOWSKI: I will get there as quickly as I can. Also, on the website the Clear River Energy Center site contains a fact sheet explaining the following: For its water needs, the project will pay to remediate a contaminated well in the Pascoag Utility District cleaning up an existing environmental concern and avoiding additional stress on water resources. There's also a project overview

out there as well and a number of other statements. My point in this and my question is I believe that we've, you know, and this is going back to a statement last week, potentially been misled along the way that there's a plan to remediate a contaminated water source, when there is, in fact, not a plan to remediate a contaminated water source; and, if there was a plan to remediate that contaminated water source, it would more than likely be done in a different way, as per PUD's expert. If the intent is to remediate a water source, I believe that we should examine the most correct and efficient way to remediate a water source; and I just believe that not enough discussion has gone into that particular item. I think that question should be asked more. It should be investigated, and it should be called out in the advisory opinion as such.

MR. PARTINGTON: Thank you, sir.

MR. OLKOWSKI: I'd also like to point out about water usage --

MR. PARTINGTON: Sir, you're well over time.

MR. OLKOWSKI: Yeah.

MR. PARTINGTON: You're well over time.

MR. OLKOWSKI: I don't recall seeing that there was going to be a limit. I'd like to continue to my

last question.

MR. PARTINGTON: Sir, you are over time. The time limit is two minutes, as I said, and he's well, well over. Sir, others want to speak.

VOICE FROM THE FLOOR: We'll wait.

MR. OLKOWSKI: I just want to make a comment and a question about the water quantity.

MR. PARTINGTON: A question, sir. The rule was a question.

VOICE FROM THE FLOOR: Your rule.

MR. PARTINGTON: It is my rule, you're correct. I am the chairman of this. Ladies and gentlemen, ladies and gentlemen, I can cut this off right now and not take any more testimony because this public hearing is already closed.

VOICE FROM THE FLOOR: You just opened it.

MR. PARTINGTON: No, I didn't. I actually did not, and so I can shut it off at any time. I'm wanting everyone to speak their mind. What I don't want is I don't want speeches. I want questions. What I want is for people to speak for two minutes and ask questions. What I don't want is speeches, and what I don't want is to continue this along without any questions. The gentleman has asked a question. It has been answered. I would like you

to yield the mike, sir; or I can simply cut it and say there won't be any more questions.

MR. OLKOWSKI: Wow, I just have to say that's poor. That's disappointing. We've sat through many of these meetings.

MR. PARTINGTON: And I understand.

MR. OLKOWSKI: And it takes more than two minutes to answer one question.

MR. PARTINGTON: And I understand that, sir.

MR. OLKOWSKI: No, I don't think you do. That's disappointing.

MR. PARTINGTON: Thank you, sir. Stephanie Sloman.

MS. SLOMAN: Stephanie Sloman from Pascoag. The wastewater treatment facililty will not recharge the Clear River Basin. The effluent will only be in the Clear River for approximately one-half mile before it gets to the Branch River which is part of the Branch River sub basin. Do you agree? (Pause and no response.) Alrighty then. Next question I guess.

MS. NOONAN: I don't think we've looked at -- unless there's an expert up here that can address that, if that's what it is, then fine; but I don't think we have an expert to address when it goes into the ground --

MS. SLOMAN: Oh, I only have two minutes, so you have to be quiet now. The VOC plume, the VOC plume, the MTBE, the benzene and all that stuff will migrate in different directions seasonally without or with a well drawing the plume; do you agree?

MR. AHLERT: I agree that the plume is going to migrate based on the effect of groundwater flow.

MS. SLOMAN: But seasonally?

MR. AHLERT: Seasonally.

MS. SLOMAN: Okay, thank you. Will the MTBE levels and other VOC's, including the benzene, toluene, xylene, etcetera, be more concentrated after the water comes out of the project after the reverse osmosis system and sent to the wastewater treatment plant? According to Invenergy's application, it states that the estimate, and I repeat estimate, for water going to the plant will be at a maximum of 55 parts per billion; and the discharge in the sewer will be an estimate of 200 parts per billion. So, will it be more concentrated is my question?

MR. AHLERT: No.

MS. SLOMAN: Why not?

MR. AHLERT: As was stated earlier, that was the original estimate when it was assumed that 40 parts per billion was the limit that was going to be pumped

to the plant.

MS. SLOMAN: Okay. So, it's changed now that -- just so that I understand, now it's going to be non-detect?

MR. AHLERT: That's correct.

MS. SLOMAN: The estimate will be non-detect?

MR. AHLERT: That's correct.

MS. SLOMAN: As long as it doesn't leak out of the GAC system?

MR. AHLERT: It will be non-detect as the system is designed and operated.

MS. SLOMAN: All right, thank you.

MR. PARTINGTON: Thank you very much. Bradford Bridge.

MR. BRIDGE: Hi, Bradford Bridge, 280 Whipple Road, Bridgton, Rhode Island. I have three questions. The filters you're going to put on, are they going to be contaminated when they have to come out similar to hazardous waste from a nuclear system, and where do they get stored?

MR. AHLERT: So the filters is --

MR. BRIDGE: The charcoal filters.

MR. AHLERT: What will be filtered are the MTBE; and, once the filter has been fully used, it will be taken off site by a vendor to a vacuum truck, and

then it will be regenerated back to a plant by the vendor.

MR. BRIDGE: Are these filters going to be at the well site or four miles down at the plant?

MR. AHLERT: The filters will be at Well 3A.

MR. BRIDGE: Thank you. Okay. And one other minor thing that has to do with water. The trucking for the water for this other plant that we have right now, they spent the whole weekend doing over 500 trailer loads. The expert trailers took down the fence that the power plant made to get up their ramp. So, they are all experts, and we don't have any accidents.

MR. PARTINGTON: Thank you sir. Chris Watson.

MR. WATSON: Christopher Watson, Jackson Schoolhouse Road. First of all, I've been advised to be nice. I would like to take a moment and clarify a couple of things. Invenergy's application calls for running two gas power plants at 220,000 gallons, not 105, okay. Okay, that's in their application. I can cite you the graph, but I don't have it in front of me.

MR. PARTINGTON: No, that's okay. That's their testimony this evening, and that's your information, so --

MR. WATSON: With their winter operations, their application calls for ruinning on one gas, one diesel at 940,000 gallons. Nowhere does their application address the issue of running on two diesel. You subtract 110 per each unit off of 220, that means it's 840 for one diesel unit. You run two diesel units, you're talking a million, six gallons over their asked-for 30 days, okay. That's an awful lot of water.

Secondly, the high consumption of the water running on diesel we've just been told goes into the combustion to help with the pollution. It's going into combustion. It's going out in the exhaust and up the stack and into our air, water-wise.

MR. PARTINGTON: Is that truthful, sir, or do you agree with that statement I should say?

MR. FEINBLATT: I agree with that statement, but the water will have nothing in it. It's being treated to non-detect.

MR. WATSON: Okay. Moving on to my primary question.

MR. PARTINGTON: Yes, sir.

MR. WATSON: First of all, non-detect, isn't that similar to drinking quality water?

MR. AHLERT: Well, no, it's at the laboratory's

ability to detect it with the equipment they have.

MR. WATSON: Okay. And isn't that what they try and get for drinking water, or is this a lower level than the drinking water standard?

MR. AHLERT: Yes.

MR. WATSON: Yes, it's a lower level than drinking water standard?

MR. AHLERT: Yes.

MR. WATSON: Okay. So, you're telling me that you're going to take the water from 3A, make it better than drinking quality; and you do cite in Invenergy's plan they refer to using the similar process they use in Santa Monica, California when they got polluted by MTBE. Santa Monica, California got 165 million dollars from three different oil companies, took 14 years to build the plant to get that water remediated to a drinking quality level; and now they're telling me that they're going to put two pairs of carbon activated filters in Pascoag and give us better than drinking quality water. Santa Monica, California requires the use of pre-stage filters for green sand to take all the rest of the minerals and everything else that's in the water out before the water with the MTBE gets to the carbon filters. Their system isn't big enough. It isn't

strong enough. It isn't the right system to do what they claim they are going to do with our water.

MR. PARTINGTON: Thank you, sir.

MR. WATSON: My last question is, since Harrisville voted a week ago to deny their request to get water from the Harrisville Water District, and assuming, assuming that they are denied access to the water to 3A, Mr. Sabatini at the Harrisville meeting said, and I quote, "Make no doubt about it. There is a Plan C to get water." So, my question tonight is what's Invenergy's Plan C?

MS. NOONAN: As we answered in the request, we have responded to concerns from the peer review that we have alternatives. We're looking for them. We don't have anything that we can go publicly with right now.

MR. WATSON: But Mr. Sabatini seems to know for certain that you have a definite plan.

MR. PARTINGTON: That's her testimony, sir. I agree with you, but that's her testimony.

MR. WATSON: The question has been asked and been answered, thank you.

MR. PARTINGTON: Thank you, sir. Jim Libby. Stephanie Lynn on deck, by the way. I'll start doing the on deck.

MR. LIBBY: We've heard testimony about the well from our experts and the plant itself. Invenergy's experts admit the MTBE plume, the larger aquifer and the groundwater movement were not studied specifically. My understanding is the plume extends up to a quarter of a mile away. How do we know that those lower concentrations he's finding at the well are also lower a quarter of a mile away? How do we know if they'll migrate or be impacted as he's saying? I guess my question is: Is an expert studying these issues, and shouldn't these be required by the applicant as a condition of the review?

MR. AHLERT: So, the pump --

MR. PARTINGTON: Did it die?

MR. AHLERT: Well, it's dead.

(Pause while the microphones are switched.)

MR. AHLERT: So, the pump test that has to be done will be done to evaluate both the water quantity that can be taken from the well; but it will also look at, with monitoring of wells in the area, what happens to the contaminants that still exist in the groundwater, and how are they migrating, and what rate they're migrating, so that there can be a prediction of what would happen when you turn the

well back on.

MR. LIBBY: So, what would you expect that radius to be that's being studied, a half mile radius, quarter mile radius, mile radius?

MR. AHLERT: So, there is a firm that's putting together the pump tests which is a plan that will be submitted to RIDEM. I don't know the radius that they're talking about.

MR. LIBBY: The last question I have is: In regards to treating MTBE from drinking water, there are national standards, including the ANSI, NSF Standard Number 53. What national standards are you adhering to when you're cleaning this water for the particulates that you're indicating?

MR. AHLERT: So, I'm sure the standard you're referring to is probably regarding drinking water treatment systems.

MR. LIBBY: Correct.

MR. AHLERT: This is going to be put together and submitted to RIDEM, so that they can review it. The standard will, obviously, be to address the water quality to get MTBE in the end to be non-detect.

MR. LIBBY: So, it's an evolving standard. There are no national standards or criteria that you're trying to --

MR. AHLERT: There are various standards or technology that's being employed. The agencies work with the various standards that are out there; but, also, the professionals that are out there will go to the industries that have the equipment to determine which equipment and what configuration.

MR. LIBBY: Wouldn't it make sense to select a standard, adhere to that standard, rather than just something that's subjective I guess is my question?

MR. AHLERT: So, I appreciate that there's a specific standard you may have in mind, but the standard will be defined by the agency that's responsible for reviewing and understanding the design criteria.

MR. PARTINGTON: Thank you, sir. Stephanie Lynn, and Frank Silva on deck.

MS. LYNN: Alrighty. I don't like the microphone deal. I apologize in advance. I was looking to know what year --

VOICE FROM THE FLOOR: Can't hear you.

MS. LYNN: Sorry. I was looking to know what year the last pump test was run on Well 3A, please.

MR. AHLERT: I was going to say it's 2006, and I believe it was a 30-day pump test.

MS. LYNN: There was a 30-day test from 2006?

MR. AHLERT: Yes.

MS. LYNN: And that's what you base your estimates off of?

MR. AHLERT: We based our understanding of what contamination was pulled into the well during the pump test.

MS. LYNN: From 2006?

MR. AHLERT: That's correct.

MS. LYNN: What year is it now?

MR. AHLERT: 2016.

MS. LYNN: Okay, just checking that you're with me. Do you know what the level of contamination of MTBE was way back when?

MR. AHLERT: What location?

MS. LYNN: 3A.

MR. AHLERT: And what time frame?

MS. LYNN: Two thousand --

MR. AHLERT: And one?

MS. LYNN: The last test that was run.

MR. AHLERT: In 2006 during the pump test?

MS. LYNN: Yes.

MR. AHLERT: It was around 40 to 50 parts per billion during the pump test.

MS. LYNN: Okay, one more question.

MR. AHLERT: Sure.

MS. LYNN: Granule activated carbon?
MR. AHLERT: Yes.
MS. LYNN: That's what's in a Brita filter, right, that you use in your house to put the water in?
MR. AHLERT: Yes.
MS. LYNN: I didn't know Brita could take out MTBE.
MR. AHLERT: It takes out organic contaminants.
MS. LYNN: No, no. You're so funny. All right, one more thing. I just want you to know:
If I was me, I have two kids. If I was to put their sippy cups on the counter and I added a gasoline additive, I'd go to jail, and rightfully so.
We shouldn't have to do this. This is ridiculous.
I can't see how you can say MTBE is okay, and the level of detection be zero, not 20 to 40 parts per billion.
MR. PARTINGTON: Thank you. Frank Silva, Jan Luby on deck.
MR. SILVA: Hi, my name is Frank Silva, Wallum Lake Road, Pascoag. The question I have is directed to the Invenergy gentlemen with regards to what is your background, actually? Does it really -- because I haven't gotten a handle on it. I actually walked

into the meeting about a half an hour into it, so I didn't quite get the presentation there. What's your background pertaining to this well, Well 3A, or this type of well?

MR. AHLERT: So, I have a PhD in environmental science with an emphasis on movement and transport and fate of organic chemicals, including gasoline in groundwater. I have been, for nearly 30 years, been involved with the investigation and cleanup of sites involving contamination in groundwater, including gas stations and industrial sites.

MR. SILVA: Okay. So, what is your scope of review for this particular project that you're charged for with Invenergy?

MR. AHLERT: I was asked to look at the feasibility of using 3A from a water quality perspective and what might be impacted if they pump the water from 3A because of the historical contamination.

MR. SILVA: Okay. And are you aware of where the historical contamination is with regards to the location of the well?

MR. AHLERT: I am aware of the source of the contamination, the underground storage tank that was the source.

MR. SILVA: Okay. And are you familiar with the remediation?

MR. AHLERT: I'm familiar with what RIDEM has been doing to address the source remediation.

MR. SILVA: Okay. So, would you say in your experience -- do you have experience with MTBE?

MR. AHLERT: Yes.

MR. SILVA: Okay. So, would you say with your experience that MTBE is best treated at the source of the contamination as opposed to possibly drawing the MTBE more so --

MR. AHLERT: So, I testified to this earlier. The fact is, yes, I think it's important to address the source so that you don't exacerbate the condition by pumping water from the area if it's still continuing to contribute.

MR. SILVA: Okay. Now, in regards to the filtration trains, is it -- is that what they call them, or the filtration devices that they use down at Well 3 or 3A?

MR. AHLERT: Sounds good.

MR. SILVA: Okay. How many filters are used in regards to that, or what will Invenergy be proposing?

MR. AHLERT: So, it will be based on the pump test and what is found during the pump test in terms

of contaminant levels that are going to have to be treated; but typical systems have at least two vessels in series, so that the water passes through one and then another, so that you have a way to monitor in between so that you don't have contaminants getting into the second vessel, so you can switch them out.

MR. SILVA: Okay. Are you going to be involved in the design work for this filtration system?

MR. AHLERT: I am not involved with the design work.

MR. PARTINGTON: If you could finish up, sir?

MR. SILVA: Okay. So, what is your real part in this? Is it for water flow quality -- I mean water quantity, or is it quality?

MR. AHLERT: Quality.

MR. SILVA: Quality. So, in regards to the pump test that you're looking to do, so it's not about the flow; it's about checking on the contamination?

MR. AHLERT: It's both.

MR. SILVA: It's about both. So, you're looking to see if there's enough flow coming from the well for the plant, is that correct?

MR. AHLERT: Well, the pump test will be designed to deal with both capacity as well as

looking at the impacts on quality.

MR. SILVA: Okay. Now, the filtration system.

MR. PARTINGTON: If you could finish up, sir.

MR. SILVA: Okay. What type of carbon is used in the filtration system?

MR. AHLERT: Activated carbon.

MR. SILVA: What -- where is it derived from?

MR. AHLERT: Sometimes it's derived from coconut shells.

MR. SILVA: Okay. And is it reused?

MR. AHLERT: It is reused.

MR. SILVA: Not for MTBE, though, am I correct? Is it reused in the industry someplace else?

MR. AHLERT: No, the manufacturer will regenerate it. They'll take it back to their facility; and they will clean the carbon, and they will then reuse it.

MR. SILVA: Okay, I did --

MR. PARTINGTON: Your final question, sir.

MR. SILVA: I did have a chance to speak with the folks in Santa Monica, California. Marion Cordessa is a manager of the Water Authority. She's an environmental chemist, and they have about 46 professional individuals at their location. They're well versed in what they've done. They've

done a tremendous job to get their plant back up to almost full speed now; and it was all virgin carbon coconut shell, not reused; and the remediation took place at the site of the contamination. It wasn't brought to the wells. They went out into the field and made sure the three sources of contamination were dealt with and took a 15-year period to be able to get those levels down enough, and carbon filters only take out 90 percent per series. So, do the math. If you're spiking at a thousand, you need no less than three in a series, okay. So, this could be rather expensive, extensive; and non-detectable is less than one part per billion. So, we need to attain this, if that's the case; but the source of the contamination is very important where it should actually be cleaned.

MR. PARTINGTON: Thank you, sir. Jan Luby, and John Scott on deck.

MS. LUBY: I think I just have one question. So, it's supposedly at 40 or 45 parts per billion now. I thought it was a lot more than that.

MR. AHLERT: So, again, where? At 3A it's currently non-detect. It's been sampled.

MS. LUBY: It's already at non-detect in Well 3A?

MR. AHLERT: The well was tested last year, and it was non-detect.

MS. LUBY: That's not what you said earlier. I'm sorry.

MR. AHLERT: No, I talked about the pump test that was done in 2006, where they pumped the well; and the concentration was at 50 parts per billion.

MS. LUBY: Okay. So, if it's -- okay. So, at 50 parts per billion, let's say you're going to clean that; how long does that take? You said earlier it varies, when one of the Board asked you. It varies I know. I'm sure it varies, but can you give us a ballpark figure of what it would take in time to clean that?

MR. AHLERT: So, it's the aquifer that you want to have clean. It's not the well. The aquifer where the source is is going to be cleaned up. I can't give you a time frame, but the well can be cleaned up for the purposes of using the water.

MS. LUBY: Okay. So, it's already clean. It's already at non-detect? Is this the first you heard of this, Board? It's the first I've heard of it. I'm very confused.

MR. AHLERT: So, when you turn the well on, you will pull contamination back in.

MS. LUBY: Okay. And how long does it take to clean that? The water that you're going to use at the plant is what I'm talking about, okay.

MR. AHLERT: Yes.

MS. LUBY: That water is going to be contaminated when you pull it, right, when you pump it out; and you're going to clean it.

MR. AHLERT: Uh-huh.

MS. LUBY: Right?

MR. AHLERT: Yes.

MS. LUBY: How long will it take to get it to non-detect so that you can use it at the plant?

MR. AHLERT: It will run through the system right away. The system -- the system -- the carbon, it will pass through the carbon; and, by the time it passes through the second vessel, it will come out clean, non-detect.

MS. LUBY: This well was more than double the concentration of MTBE as that Santa Monica well, and it took them 14 years to clean it. So, I'm very confused that you're talking about you're just going to run it through and then use it and it's going to be fine.

MR. AHLERT: I'm sure that what we're talking about in Santa Monica is the aquifer, not the well,

right?

MS. LUBY: Okay.

MR. PARTINGTON: So, I think your question, if I can paraphrase --

MS. LUBY: I'm so confused.

MR. PARTINGTON: Your question is how long will it take to clean the aquifer versus how long will it take to clean the water as they draw it from the well. Is that your question?

MS. LUBY: Well, I was under the impression that the well was still poisoned.

MR. PARTINGTON: His testimony is that, as of right now, if they took a sample, there's none. Once they start pumping it, they're going to draw water from the aquifer which does have concentrations.

MS. LUBY: Okay.

MR. PARTINGTON: That was -- if I'm incorrect, sir, please correct me, but that was --

MR. AHLERT: You're correct.

MS. LUBY: So, what you're pumping -- Okay. So, back to my original question, what you're pumping out is going to be what, like 40 to 50 parts per billion or something, once you're pumping it out? How long before using it does it take to clean that?

MR. AHLERT: As soon as it passes through the carbon it will be clean.

MS. LUBY: All right, thank you.

MR. PARTINGTON: Thank you. John Scott, followed by Anita Bevans.

MR. SCOTT: All right, water guys, Jonathan Scott, okay, and I have a simple question for you. You both remediated MTBE before, right, and you're both talking about power plants that you worked with water. What power plants in the United States have ran MTBE to cool a power plant? Can you tell me which ones, and then I'll be happy. Which ones? What power plants have ran MTBE to cool their power plant?

MR. FEINBLATT: None that I'm aware of.

MR. SCOTT: Okay. Why do you think that is? You guys are water experts. Why do you think that is? Why do you think no one has done that? Wouldn't everybody be doing this? You guys are the first ones to hop on this?

MR. FEINBLATT: Because they have other water sources.

MR. SCOTT: Is that what it is? That's your answer?

MR. FEINBLATT: Yes.

MR. SCOTT: That's great. Okay, I appreciate that.

MR. PARTINGTON: Thank you, sir. Anita Bevans next, followed by Sal Giaquinta.

MS. BEVANS: Hi, good evening. I missed the beginning part of the meeting, so I don't know what may have already been discussed, answered and all that good stuff, but I had to work. So, it was said by Invenergy at one meeting that the water usage would be higher than the 900,000 gallons plus per day if all the turbines were in use for diesel, which had actually been answered a little bit earlier. So, I asked if that would double the water usage; they said no but did not clarify. So, my rough math was like, was it going to be a million-and-a-half, million a day, one and three-quarter million a day? Obviously, that got answered earlier, 1.6.

MR. PARTINGTON: Uh-huh.

MS. BEVANS: So, I had heard Invenergy say at one point that diesel fuel would be used for a maximum of two months per year or when it was more cost effective to do so. Does that amendment at all still stand?

MR. PARTINGTON: I believe it was 60 days was the maximum license that you had.

MR. FEINBLATT: Correct.

MS. BEVANS: Because there was an amendment that said, "Or when it was more cost effective."

MR. FEINBLATT: No, that amendment is not accurate.

MS. BEVANS: All right. It was at one point. On the MTBE contamination through this unproven filtration system, I would presume that there is a maximum output that can be attained by the system so that it doesn't flush or rush the contaminants passed the containment. What is the max. gallons that it can produce per day through that system?

MR. AHLERT: So, the system can be designed depending on how much water is needed; and that's one of the reasons the pump test has to be performed, to determine what contamination levels will be pumped out of the well and what the size of the carbon vessels need to be and what series they need to be in for the purpose of removing the MTBE to non-detect levels.

MS. BEVANS: Right, because I hear you talk about two, but it hasn't really been discussed how much will be needed; and, if that system can't supply the maximum usage per day, I would presume you still have that Plan C, or whatever it is, to get your

water from, that unknown C?

MS. NOONAN: I apologize. Can you repeat the question?

MR. PARTINGTON: She asked if you got the Plan C for where you are going to get the alternative water source.

MS. BEVANS: Right. So far you're saying you're not ready to tell us?

MR. PARTINGTON: And the testimony I believe was that they haven't identified that at the moment.

MS. NOONAN: That's correct.

MS. BEVANS: Okay, thank you.

MR. PARTINGTON: Thank you. Sal Giaquinta.

MR. GIAQUINTA: Sal Giaquinta, 435 Whipple Road, Pascoag. I have a couple questions. One, how much of the Town is on public water?

MR. PARTINGTON: Tom, do you know that one?

MR. KRAVITZ: In terms of number of units?

MR. PARTINGTON: Not necessarily. Percentage perhaps.

MR. KRAVITZ: I don't recall.

MR. GIAQUINTA: Okay.

MR. PARTINGTON: Probably, 40 or 50 percent.

MR. GIAQUINTA: And about the other 60 percent or 50 percent, how is that going to affect everybody

else's well when they start drawing this down? Is everybody just out of luck? You know, corporate America is going to be, like, sucking out our water sources, drawing down the aquifer. How is that going to affect everybody else's well, and how does that pertain to all of us homeowners?

MR. PARTINGTON: I believe the testimony this evening, and you're going to help me with this one, is if there are other wells in the area. So, if you can address that.

MR. GIAQUINTA: Oh, there's a lot of wells in the area.

MR. PARTINGTON: Oh, I know. So, let's see what his answer is.

MR. AHLERT: So, the pump test is for quantity and quality, and it has to be performed in a way that looks at the drawdown of wells in the area. So, it will be a plan submitted to RIDEM, and RIDEM will have to agree and approve to the pump test and how the data will be used to evaluate it.

MR. GIAQUINTA: Well, that aquifer in our area has never had that kind of quantity drawn out of it on a regular basis. And do you have a secondary source, and how is the secondary source going to actually get to the power plant? As I know, every --

multiple times a year when I'd be going down 102 to go to work, the other power plant we have, tractor trailer truck after tractor trailer trucks lined up on 102 to go into the facility over there. So, do you guys have another source in the area, and how would you be getting the water to this source?

MR. PARTINGTON: That's the famed Plan C which they don't have yet.

MR. GIAQUINTA: Oh. So, we don't know how it's going to get there.

MR. PARTINGTON: Right. As of right now, they said they don't have a plan.

MR. GIAQUINTA: So, that could be another trucking nightmare that we're not going to discuss because this is water; this is trucking, okay; and -- so, when we can't run that well, do we have a source of water? I mean I wouldn't build a house if I know I can't have water for it.

MR. PARTINGTON: One of our recommendations that we've constantly put out there was to identify what that is and also to make sure -- and one of the questions that I asked their expert this evening was: How long are you going to run that water test? Because we want to know the effects of what this is. And he, you know, under testimony decided not to

answer that question because right now, you know, we don't know what that is; and I believe Mr. Hevner, our expert, has said that, you know, it should be run for a significant amount of time, but right now we don't know what that is; but, when those water tests are run over that period of time, it will also demonstrate the effects on the wells, the aquifer and etcetera.

MR. GIAQUINTA: I mean we do have sink holes that occur all over this country for voids that we caused by sucking the water and things out of the soil.

MR. PARTINGTON: And in our minds it has to be a very significant amount of time that's run for that test. Thank you, sir. Mr. Woods.

MR. WOODS: I wore my Hawaii shirt today because I gave up my Hawaii vacation to be here tonight just for this special occasion. I'm kidding. Now I lost my train of thought. So, you said that, Bill, if I may, you said that the water coming out of the new structure that is going to clean the water with the carbon filters, that's it's zero detect. Specifically, what does zero detect mean? Are there any other organic materials that will bypass those carbon filters, such as benzene, toluene, xylene and

all the other things that are in gas; or is it just the MBTE's (sic.)?

MR. AHLERT: So, the system will be designed, based on the pump test, to address the contaminants that are in the groundwater from the gasoline.

MR. WOODS: Well, in previous testimonies, I'm not saying from you, but from Invenergy, previous testimonies were it was specifically for the MBTE's (sic.) and not for any other organic material; and, because of the nature of the carbon filters, they weren't designed for that purpose; do you agree with that or not?

MR. AHLERT: I'm not following your question.

MR. WOODS: Are the filters -- you had said that the -- all the organic material in gas -- we'll say gasoline, in general, everything that gasoline incorporates, you'll be cleaning all of that out of the water before it goes up to the plant?

MR. AHLERT: So, the system will be designed to remove the gasoline constituents in 3A so they are non-detect.

MR. WOODS: All of the gasoline constituents in gasoline; is that what you're saying?

MR. AHLERT: All the ones that I'm aware of from the testing that's been done.

MR. WOODS: Okay. So, and the reason for that question is because testimony was different earlier. So, that water is not going to be drinkable water when it comes out of -- once it's treated going up to the plant, is that true?

MR. AHLERT: The water coming out of those filters will be below the drinking water standard for the gasoline constituents.

MR. WOODS: And why will it be below the water standard?

MR. AHLERT: It will be below the water standard to address the issues and concerns and to make sure that the water is clean before it is used at the plant.

MR. WOODS: But it's not drinkable is what you're telling me?

MR. AHLERT: No, I'm not telling you anything other than that the levels will be below the drinking water standard.

MR. WOODS: Okay. Another part of the testimony that was given is that -- well, one of the major concerns is that that Well 3A hasn't been run concurrently with Harrisville Water District's well. I believe they mentioned Well 7, which is in Eccleston Field. And so, with that Well 7 running

and then 3A running, what would be the result of the plume moving and migrating? And the testimony was given that Clear River is actually a natural boundary from allowing those two to meet. Does that make sense?

MR. AHLERT: I haven't looked at that.

MR. WOODS: Well --

MR. PARTINGTON: If you could finish up, sir.

MR. WOODS: I will, and there are reports from 2003 to 2004, 2005 and 2006 from Harrisville Water District that are detecting MBTE (sic.) in the water, not a large amount, but it doesn't come naturally. So, I would think that that is already migrating across the Clear River, and that is of some major concern; would you agree?

MR. AHLERT: I don't know the source of the MTBE that you're referring to and the location of --

MR. WOODS: No, I'm just saying those reports -- I mean, you know, those findings -- you know, the internet is a wonderful source of information, I have to say.

MR. PARTINGTON: If you could finish up, sir, if you have a question, if you would.

MR. WOODS: Okay.

MR. PARTINGTON: Thank you.

MR. WOODS: So, if you -- let's just say Door Number 1, Door Number 2, Door Number 3; and so, Door Number 1 is the Pascoag Water Supply. If that was not available, for whatever reason, okay, something is not going to work, and, you know, you found out it was going to be so much money that you couldn't do it or, for whatever reason, that could not be used for your purposes; and so Harrisville was probably your second choice, and that got shot down; and so, Number 3 is still on the drawing board, evidently, that nobody can really know about.
I would think that that would have to be an amended application of some sort because we're spending all this time on one particular water source; and, if you were to come up with another water source, I would think that it would only be reasonable that the Planning Board, the Zoning Board, the Town Council and good people of Burrillville would have another chance to comment on these things and to render another advisory opinion on that particular water source.

MR. PARTINGTON: A question, sir? Do you have a question?

MR. WOODS: Yes, I'm getting to the question right now.

MR. PARTINGTON: If you would be expedient in that, I would appreciate it. Thank you.

MR. WOODS: And so, and I'm going to ask the Planning Board: How is it that you can render an advisory opinion on whether this should be cited in the Town of Burrillville without -- not having, not just clear answers, absolutely no answer on a lot of these things? That's my question. (Applause.)

MR. PARTINGTON: And I agree with you, sir. One of the problems in this advisory opinion is that we don't have a lot of the things that we normally use in our processes. So, the very structure of what we've been asked to do is very far afield from the way we would normally approve a project. So, you're absolutely correct, sir. We don't have a lot of the information that we need to make an intelligent decision. However, we are being told that we need to put together this advisory opinion by a date certain, which is September 9th. So, that, unfortunately, is our charge, and that's what we are, in fact, doing. So, gentlemen, do you have any other questions for the applicant?

MR. SYLVESTER: Could I ask a few questions, please? I came in late. I didn't get a chance to sign up. Very simple questions.

MR. PARTINGTON: Ladies and gentlemen, -- if you hold it to two minutes, yes. If you start giving me a speech, no.

MR. SYLVESTER: Thank you very much.

MR. PARTINGTON: I need your name first, sir.

MR. SYLVESTER: My name is Thomas Sylvester, 283 Church Street. I'd like to ask Ms. Newman (sic.), what is the time frame for appealing on the court order as far as having some kind of action to reverse it? At what point would it make sense in the process?

MS. NOONAN: What are you asking me about?

MR. SYLVESTER: Well, there's a court order currently that has the well closed.

MS. NOONAN: There is no appeal period.

MR. SYLVESTER: At what point -- at what time juncture within the process would it make sense for Invenergy to clear this up by actually going back to court to see whether or not they do -- are capable of actually using the water before going through all this? By what point?

MS. NOONAN: We haven't set a date for when we go back. We know that, if that's where we're going, we have to; and we'll -- I don't have a date for that right now.

MR. SYLVESTER: Would it seem advisable for the State of Rhode Island and the people of the community to have this clarified before the EFSB has to make an actual decision as to whether or not this plant should be given the ability to be built?

MS. NOONAN: My position, what we're doing right now is doing an advisory and presenting the evidence that we have regarding the well; and so, the court comes into it as a separate player, and we will get to that point if we need to, yes.

MR. SYLVESTER: Well, the well itself has a court order with it being shut. So, this would be part of the advisory regarding the well, no?

MR. PARTINGTON: That's up to us. That would be us to make that recommendation, say because there is a court order on that well, then it needs to be --

MR. SYLVESTER: Clarified before there would be any type of approval towards it.

MR. PARTINGTON: Exactly. As I had said before, and don't hold him to his two minutes on this. But, as I said before, a lot of the things we don't have is what we're going to cite and say we don't have this. In order for this to go forward to protect the Town, we need a lot of this information clarified ahead of time. (Applause.)

MR. SYLVESTER: To the gentleman from HDR, thank you very much for your time coming down. In general, you seem to be a very knowledgeable person, the gentleman having to do with water. One of the things, though, which sort of concerned me when you had spoke about our particular well, you had mentioned that it was a bedrock well. It is a bedrock and overburdened well. It seems to be a very basic kind of point of information on the well. If you actually did study it, it would be something -- rather than just speaking to general points on water quality. Would you agree or not agree?

MR. AHLERT: So, what's the question?

MR. SYLVESTER: The question is: Did you actually look at the information about our well, or did you come down to speak in general about water quality and things that have to do with MTBE?

MR. AHLERT: I looked at information regarding the well.

MR. SYLVESTER: Okay. And when was the last time that DEM had a study done on the well?

MR. AHLERT: So, I'm not sure the last time DEM did a study on the well, but there was a pump test in 2006.

MR. SYLVESTER: In 2013, Beta in Lincoln, Rhode

Island did a whole entire study on the well of which they talk of many of the things of which you speak. I'd like to say, in general, the fact that you do not know this, to me, seems to indicate that you did not do due diligence in actually studying it, rather than just going and speaking to the Board. Thank you very much for your time. (Applause.)

MR. PARTINGTON: Thank you, sir.

MR. BAILEY: Jeremy Bailey, Wallum Lake Road.

MS. NOONAN: If I might first, you may have missed the point earlier in the evening when I asked him the materials he reviewed; and one of those things among the reports, and he can testify to this himself, and I'll ask him this question, whether or not you, Mr. Ahlert, reviewed the Groundwater Remediation Project Summary Report prepared by the Beta Group, dated July 2013, as part of your review in preparation for your report and testimony?

MR. AHLERT: I did.

MS. NOONAN: Thank you.

MR. SYLVESTER: Thank you.

MR. PARTINGTON: Thank you. Sir, good evening, sir. Could you state your name first.

MR. BAILEY: Jeremy Bailey, Wallum lake Road, Burrillville. In the reverse osmosis, how many

gallons of pre-reverse treatment water does it take to get one gallon of post reverse osmosis water?

MS. NOONAN: I don't know.

MR. BAILEY: All right.

MS. NOONAN: Maybe your expert might be able to answer that.

MR. PARTINGTON: Is that answer available or no? No, okay. Sorry, sir.

MR. BAILEY: No, that's okay. So, we don't know. But in your application you state the water usage. You know, let's just use the case where you're burning on oil, 900, I believe it was 25,000 gallons of water, would that be pre reverse osmosis water or post the reverse osmosis water for usage?

MR. FEINBLATT: That's how much water would need to be drawn from the water source, total usage of water.

MR. BAILEY: That's correct. So, total usage. So, that means if you're drawing 925,000 gallons of water, that's all the water you're going to need, even though it still has to go through the reverse osmosis process.

MR. FEINBLATT: Correct.

MR. BAILEY: Okay. How many gallons of water storage will there be on site?

MR. PARTINGTON: I believe that was answered already. It was 1.6 million, plus another -- if you could reiterate that again, sir?

MR. BAILEY: That's okay.

MR. PARTINGTON: 1.6 plus 800,000, something like that. Is that about right? Okay.

MR. BAILEY: Is Well 3 and 3A capable of supplying all of the water that you need on demand when you're running at least one turbine on oil?

MR. FEINBLATT: Yes.

MR. BAILEY: So, when you're running the 925,000 gallons of water, you don't need to rely on your -- there's a mute button on your phone. You don't need to rely on any of the on-site storage for make up water, is that correct?

MR. FEINBLATT: The pump test will confirm that; but, based on the information we have available, we believe the well will be able to supply the full amount of water needed.

MR. BAILEY: Okay. Do you have a plan, should the well not supply enough water and the on-site water is drawn down, do you have a plan for bringing more water in? And I'm not talking about the infamous third site. I'm suggesting perhaps are you able to truck water in, or is there another way to

make up water?

MR. FEINBLATT: Water could be trucked in, yes.

MR. BAILEY: So, you will have the capability to truck in water?

MR. FEINBLATT: If needed, yes, sure.

MR. BAILEY: Okay, thank you.

MR. PARTINGTON: If you could finish up, sir.

MR. BAILEY: Yup.

MR. PARTINGTON: Thank you.

MR. BAILEY: All right. So, if you do secure -- now we'll talk about the infamous third source. If you do secure a third source of water, will you be required to amend your application and hold further hearings?

MS. NOONAN: We would not amend the application. We would just supplement the portion that referred to the water supply.

MR. BAILEY: And would we then --

MR. PARTINGTON: It wouldn't come back to us. Our time is done. We do our advisory opinion. That's why part of what we're doing is we're saying we need an alternative water source. So, we're citing it, but we don't have a solution for it. So, a lot of the things that we're doing is we're citing the issues that we don't have -- you know, that we

see as things that the Energy Siting Board must ensure are complete before they're allowed to come here; but we don't have any control over that, which is sticking in my craw, if you will.

MR. BAILEY: Yeah, it was mine as well. All right, I'm done. Thank you.

MR. PARTINGTON: Thank you very much, sir. You have already had your time, sir.

MR. GIAQUINTA: Yeah, I know, but I asked the question, and it never got addressed or answered.

THE COURT REPORTER: Can I have your name again, sir, please.

MR. GIAQUINTA: It's Sal Giaquinta. It's on Whipple Road. The 40 or 50 percent of the people with the wells that, if there's an issue because of the drawdown, we're just out of luck; or is it they're going to put in some request that there would be something to help the people of Burrillville?

MR. PARTINGTON: I believe what I answered for you was that the water test that they do --

MR. GIAQUINTA: That's a test.

MR. PARTINGTON: I know. The water test that they do, then what we would cite, as we had said, is it's important for that water test to be -- to include all wells in the area, so that we can tell

the effect on them. With the test we'll be able to tell if it's going do draw up people's individual water, and it would not be on them. It would be on the company to either remediate or, you know, or something, if you will. Okay?

MR. GIAQUINTA: All right.

MR. PARTINGTON: All right, at this point, thank you all for your comments. As I said, it wasn't something I had to do. I did it --

VOICE FROM THE FLOOR: Thank you.

MR. PARTINGTON: -- only because I wanted to make sure that everyone had their opportunity to do it, okay, didn't have to, but did; but be that as it may. So, last for this evening what we're going to do is the gentlemen here are going to comment on or put up what they believe is in compliance with the Noise Ordinance and the Comprehensive Plan and what parts we believe comply and what parts don't comply. And so, the Energy Siting Board has charged us with saying what complies or does not comply with the Comprehensive Plan and the Noise Ordinance. There are things in the Comprehensive Plan that this power plant will meet. There are things in the Comprehensive Plan this power plant will not meet. So, I just want the public to know that there are

going to be some things that we are going to say where we say it does comply, because that's what's in black and white. Whether you agree or not is not the question. It's what we believe and what we're going to put in our advisory opinion. So, without further ado, gentlemen, I will be going first, and I will read into the record pieces of what I've typed up already as to what complies or not. So, Tom, do you want to address anything first before I go or --

MR. KRAVITZ: No. I'll just say for the public again, I had anticipated coming into this meeting tonight to get very clear direction from my Board as to how they want this advisory opinion to go; and so, that's what we're doing right now. We're going to hear from them. I'd ask them to type it up because that will help me kind of transcribe their thoughts and put the opinion together.

So, I would ask Jeff if -- you know, you don't have to read every bit of what you have, but give us the flavor for the audience; then, clearly, try to email me, if each member could email me or provide Chris with a copy; I can work from there. Then I guess let me just say we're going to try to turn around an opinion quickly and try to meet -- we're going to put a day out next Monday, the 22nd. We're

going to try to read that opinion into the record, and that will be what will go to the Zoning Board for the 30th.

MR. PARTINGTON: Okay, I thought -- we're talking about the 29th or the 22nd?

MR. KRAVITZ: The 22nd.

MR. PARTINGTON: Okay, I thought that might be a lot of pressure on you to get it by then. Okay. Okay. So, as an introduction, the Burrillville Planning Board has been directed to produce an advisory opinion on the Clear River Energy Center. Unfortunately, we do not have anything definitive for our plans that would ensure our advisory opinion is accurate, as we only have concept plans and not actual plans ready for recording.

In addition, we do not have any permits for wetlands, air quality, chemicals or any guarantees on noise, except from the applicant, who is relying on manufacturer's guarantees - not a good situation for the Town, as we are relying only on the applicant to perform against a standard that may or may not be possible.

The Town Council should take special care to enact or strengthen ordinances that create or increase penalties for noncompliance. Obviously, the

Town will benefit economically if this plant is sited here. The question of how additional revenues should be used is a question for the Town Council to answer, but is not part of this decision.

Some of the things that comply with the Comprehensive Plan: Obviously, Chapter VII, Economic Development. It is also marginally in conformance with the Land Use Chapter IX by the relatively small footprint of the power generation facility and its proximity to the existing pumping station.

Chapter III, Community Services and Facilities. It's hard to argue that this plant will contribute more financially than just about anything we could do, short of having an interstate highway interchange with retail nearby. That's not to say there are not drawbacks to the plant that may impact services, specifically, public works, sewer, police and fire; but, if these are planned for, then the impacts will be mitigated.

Noncompliance: Land Use Policy states, "Minimize the adverse impacts of power generation and transmission facilities on the environment." At the present time, we don't have enough information via permitting to make that determination. In addition, the very scale of the project and the lack of

construction information makes it difficult to make a determination.

The plan references an Implementation Action to change zoning to address this very application for a power plant, but that was never done.

Chapter II, Natural and Cultural Resources, states, "a harmonious relationship between land development and natural resources." This site has significant wetlands of which we have not seen any permitting, and there's been no study done on the effects of biodiversity and conservation efforts. It also calls for clean air standards that exceed national and state standards. All of the discussions thus far had focused on meeting national standards, so it's unlikely that they would be exceeded.

The chapter also deals with water quality; and, while the MTBE cleanup to zero detection is possible and desirable, there are many other questions about Well 3A, such as its effect on the aquifer pumping 925,000 gallons per day, which is a lot of what we heard tonight.

There are other questions to be answered there as well, such as capacity, effect on other wells and the Clear River, secondary sources of water for cooling, and discharge of wastewater through the

wastewater plant.

Comprehensive Plan contemplates development around the village centers, and putting this land in an obviously rural setting is not consistent with that goal.

Section issues: Air. We have no clue if this plant will exceed national and state standards, and we have no way of telling about the plant without it being in operation.

Water. Our engineers recommended a water test on 3A to ensure it has the ability to deliver water and to test the effects on local wells and residences.

Noise. The noise issues are particularly difficult because our own expert has, quote, ". . never seen a plant conform to date, but it can be designed that way," unquote. I believe it can probably be designed; but, to ensure compliance, the Town Council should enact some punitive fine structures to ensure compliance over the long run. Obviously, all of the city must -- city -- facility must be enclosed within the building with lagging of ACC ducts. I expect the low end of the scale can never be mitigated; but, apparently, the current pumping station is louder. I hope the ordinance fine

structure will force the pumping station to comply and the EFSB forces compliance of them also.

Land. We don't have anywhere near the information we need on wetlands and conservation issues. As far as land use, I laid it out before.

Economic. There's no doubt this would be a boon to the Town, although we have no firm plans to do anything with the moneys right now.

Traffic. I have significant concerns about traffic during the construction phase, especially the size and weight of construction vehicles over village roadways. Particular concern is the corner of High and Church Streets. I also believe that an additional roadway should not be constructed to the plant, and the existing access road should be improved.

Mr. Kravitz, also, you had put up a memorandum detailing many, many, many issues that were still outstanding; and that would also be part of my advisory opinion.

MR. KRAVITZ: Can I ask you one thing, Mr. Chairman, and maybe I'd like to hear this from each member after they go through just like you did. The preliminary order says we need to make a finding as to whether or not the facility as proposed is

consistent with our Comprehensive Plan. So, based on how you value and place weight on the different elements of the Comp. Plan, would you say that it's consistent or not consistent?

MR. PARTINGTON: I don't think we have enough information to say whether it's consistent or not. So, if I don't know that, then I would say it's not consistent.

MR. KRAVITZ: Thank you.

(Applause.)

MR. McELROY: Mr. Chairman, before we go on to the other members, you did not address the issue of consistency with the Noise Ordinance and whether or not there should be a waiver for the octave bands.

MR. PARTINGTON: The noise, I said that it could be designed that way; but, once again, I'm relying on information -- and I'll read that again. The noise issue is particularly difficult because our own expert has, quote, ". . never seen a plant conform to date, but it can be designed that way." I believe it can. I believe our expert also testified that we should accept the 43 dB rating, but he also acknowledged the very low end of the scale could never be mitigated. It's technically impossible. I believe, if they can hold it to 43, that it would,

in fact, comply with our ordinance; but I have doubts that they can hold it to that, and their only representations are based on the manufacturer guaranteeing it. I don't feel a hundred percent comfortable with that. So, I believe that they wouldn't have to go for a waiver because he stated that they could hit 43. So, I think they would comply with the Noise Ordinance, if they're able to build it. Am I convinced that they're able to do that? No.

MR. McELROY: I appreciate the clarification. The only thing that I was looking for is there are really two issues on the noise, and I think you've hit it. The first is they're not asking for any waiver on the 43. They've said they'll comply. So, there's no request to you. But there is a request on the octave band; and, as you properly noted, Mr. Hessler said it was impossible.

MR. PARTINGTON: Correct.

MR. McELROY: So, thank you. I just wanted a clarification.

MR. PARTINGTON: Thank you.

MR. LUPIS: Okay. What I wanted to say is not so much the exact words that are in the Comp. Plan, but the spirit of the Comp. Plan. I was one of the

initial people, many, many years ago, that helped develop the Comp. Plan; and we worked very hard for months and months with public hearings, listening to the people in the community, doing what's right, phone calls, surveys, and just spent tireless time developing the Comp. Plan; and I have no doubt that this is totally against the spirit of how we wanted this Town to build out. (Applause.)

We spent a lot of time developing how 102 would build out. We didn't want it to look like, you know, downtown Warwick or something like that. We wanted the natural resources of the Town to be preserved. Right where they want to put this is right in the TriState area. For 30 plus years, I have been hiking those trails going up to the TriState marker, and it's just beautiful pristine land. So, again, that's all part of maintaining the culture of this Town.

In my 30 plus years of living here, I have never seen a community so upset and torn apart over a proposal. (Applause.) So, pretty much, I hope I got my point across having to do with the spirit of what I worked so hard with the other members of the Comp. Plan; and I feel this is totally against the spirit of the Comp. Plan. Thank you.

(Applause.)

MR. FERREIRA: Okay. As one of the fellow writers of the Comp. Plan way back, --

MR. PARTINGTON: Founding father.

MR. FERREIRA: Oh, don't go that way. I got enough problems with my own daughter. When we came up with the Comp. Plan, the initial idea was to keep the rural community rural. The reality check came in. We had to come up with an industrial site, a manufacturing -- a place where manufacturing can occur in a safe manner for the Town, to protect the Town. When I say protect the Town, I'm thinking just about every way possible because that's what we have to do. We have to look at the Economic Development of the Town; but, at the same time, we have to look at preserving the open space and protecting the flora and fauna. So, we're kind of stuck with many different issues to look at here, and a total lack of information is hurting us; and, when I say that, I'm saying the total lack of information, and I apologize for that. Everyone has done a wonderful job at trying to answer the questions that we've come up with; but there's a lot more that's still hanging out there where there's not a question, because -- I'm sorry, where there's not an answer, because we can't get answers for it yet. Just like on the capability

of the well, we don't know if the well is even going to meet the flow requirement necessary to do the plan.

So, going back to the Comprehensive Plan, to start off on Section I, Purpose, Number 3 is to protect the land, water and air as a natural resource. Water to us is or has been called gold. It is. Without water the community is not going to grow. Without water we can't exist. The ability to supply the power plant is in question; and, if it becomes too tight, the Town will not be able to grow. Major issue.

Table 1-5, preserving open space, wetlands, aquifer, natural resources. I don't see this plan in this location helping us to meet that goal.

Again, the Town growth, if we draw down the aquifer too far, we're not going to be able to have any additional Town growth because there won't be enough water to supply, so another question that really needs to be answered; and, at this time, we don't have a solid answer for it.

On Section 2, Natural and Cultural Resources, right at the foot of the facility or the designated area is Wilson's Reservoir. Wilson's Reservoir is listed as a type A reservoir for the Town's drinking

water. Now, on one of the first meetings we had, I asked a simple question about the dike surrounding the two million gallons of diesel fuel, how much would that dike be able to hold. The answer I was given was one million gallons. You get two million gallons inside a one million gallon container is not a good sign, (applause) not only because of potential -- well, partially because of potential spill or even the chance of spill; but, to me, if you're going to develop something like this within the Town, you got to protect the Town that you're living in. Just as the corporation is considered an individual, this facility would have to be considered an individual also; and, if you're not even going to provide sufficient containment for the two million gallons of diesel fuel for an emergency issue, you're not taking care of your home; and, again, you're right outside of a Type A reservoir.

Another issue is that this part of Burrillville is part of the Blackstone River Basin or Blackstone River Corridor. Not too long ago we had an airport being proposed just over the line in Massachusetts. The airport was going to use Federal money. The Federal Government stepped in and said the airport is not going to happen because the Federal Government

already provided funds for the Blackstone River Corridor to make it a legal entity, and that was just with an airport.

Land development and resources, Section -- yeah, II.1, Land Development and Resources, Natural Capacity. We're dealing with environmentally-sensitive areas there with the wetlands and the leading from the wetlands into the Wilson's Reservoir and into our aquifer. Protection is needed; and, again, because we haven't seen the plans, I don't feel confident that the protection is there. It's not just the reservoir that would get polluted. It's the entire aquifer feeding Pascoag, feeding Harrisville. It's just not safe.

This was already touched on: Meeting or exceeding national clean air standards. All I've heard about is meeting clean air standards. We want to do better. We have to do better. (Applause.)

In addition to the water issues, we also have, in Section III.5, maintaining a Rhode Island Drought Management Plan. With the water systems we've been facing lately, where the aquifer is actually going down low, if it goes too low, we're no longer in compliance with the Rhode Island Drought Management Plan, another big issue.

Construction of the plant. So far when we've heard about construction of the plant, we're being told that there's going to be a second roadway going in. If that reaches that level and if the Planning Board has any say in the matter, there's only going to be one entryway going in. Having two entryways going into the facility is kind of crazy, especially when you're calling it Clear River Energy Center. I'm guessing that also applies to the Spectra Gas Company. If it's a center, then that's only one roadway going in; otherwise, it's got to be treated as something separate completely.

The last meeting we had we talked about the noise, and we were told that the facility would meet the 43 decibel standard. I don't believe a variance is needed at that at all or with that at all.

Next item is: Going back into 1988 when Ocean State Power was first being proposed, a study was done. The study found that that area was not suitable for a power plant because of its proximity to the Buck Hill Management Area and to Pulaski State Management Areas, and just a residential use nearby. It was just determined that that was not a good area for it. That's about all I got. Sorry.

MR. PARTINGTON: Just so the audience knows,

even if every one of us says we don't want this here, the Energy Siting Board can go, "Oh, thanks. It's okay." Just wanted you to know that.

VOICE FROM THE FLOOR: Oh, we know.

MR. PARTINGTON: That's fine. I want to keep reminding you of that.

MR. FELICE: All right, thank you. That's a very good point to bring up. It goes without saying that this is a very emotionally-charged situation. We're well aware of that. It's also a very politically-charged situation, and there is a lot of high financing involved here. I'm not going to go through all the lines of information in the Comp. Plan; but I will tell you that, when I get to sit down and go through the reams of information that we have, my feeling is that I will use that Comp. Plan as a screen, as a filter mechanism to filter all of what we have gotten from Invenergy, from all the resources we have, from our experts, and weigh that very carefully. This is the Town that I live in. I will also say that no matter which side of the table you're sitting here, I would find it very hard to believe that anyone could sit down and say, "I would welcome that in my back yard." Thank you.

MR. TREMBLAY: Okay. So, we've been charged

with two items: (1) Will the facility be a land use consistent with our Comprehensive Plan pursuant to the Rhode Island Comprehensive Planning and Land Use Act? I'm not going to go through each item. There's a number of items in the Comp. Plan that we need to review. I've done that. I will submit that to Tom; but, basically, the proposal is contrary to the Economic Development objectives of the Town of Burrillville; specifically, its efforts toward balancing locally-sourced jobs with natural resource and historic preservation, and its long-term land use plan which promotes the conservation and economic development of its natural resources and tourism potential, preserving open space resources and the low density character of the community.

I think when a lot of people think about Economic Development, they think about buildings and facilities and industrial and commercial development; but there's a lot of value, and you can go on-line. There's economic impact studies of forestry, agriculture, tourism, bird watching, everything in the book that is actually Economic Development as well. (Applause.) So, the Burrillville Comprehensive Plan recognizes the important role the Town plays as a host of energy infrastructure, and it

seeks to broaden sources of revenue from industrial projects. However, the Comp. Plan does not encourage further expansion of, or siting of, additional power plants within our borders.

I'm going to skip over these references that apply to all the different segments of the Comp. Plan. Furthermore, the proposal is not consistent with the Rhode Island Comprehensive Planning and Land Use Act, specifically, the items within Section 3-A Findings, Items 1, 2 and 3; and Goals, Items 1, 4 and 5.

The second item is about the Noise Ordinance. And will Invenergy be able to comply with the Burrillville Noise Ordinance during construction and operation? So, their proposal and subsequent filings and amendments commits to maintaining the 43 dBA noise levels required in our Noise Ordinance. Our consultant on this matter, Mr. Hessler, has expressed his professional opinion that these results can be achieved; and the applicant has requested a waiver from the low frequency component of the ordinance, which Mr. Hessler has suggested is a reasonable request. So, barring any negative impacts to wildlife from the low frequency emittances per the Rhode Island DEM's input, which is ongoing, and

relying on the Town's consultant in this matter, with all due respect to the neighbors and the noise issue from the compressor station, which is a separate matter, I would agree that Invenergy will be able to meet the Noise Ordinance and that they receive the waiver from the low frequency component of the ordinance, with the caviat that monitoring and enforcement measures are placed upon the applicant and their contractors. And there's a variety of project conditions that, if the EFSB does, in fact, move this project forward, there are a variety of conditions that have been referred to. All the technical information is out there that they must -- the EFSB must consider this project as a component of the broader Interstate Energy Reliability Project that includes a variety of improvements and the necessary Environmental Impact Statement that will be developed as a part of that review process. The EFSB must withhold its decision on the siting of this Clear River Energy Center until the results of that Environmental Impact Statement are available.

And then I've got a variety of other topics that should be included in there. Thank you.

MR. PICK: I'm just going to touch on a couple of items. The first one is the noise and following

up on some of the things that Mr. McElroy was discussing. It's my understanding that there was a recommendation that a field noise test was going to be performed at a compatible facility. It would be great to know, you know, what facility that was; will the start-up and shutdown be measured, because that seems to be the contentious portion of the Noise Ordinance. You know, is the applicant doing the testing? Are we doing the testing? Mr. Hessler had been -- just piggybacking on what my colleagues have been saying about the octave, I'm not sure we know enough about it yet because we just haven't heard. So, maybe this field noise test, if, in fact, it does get performed, can give us some type of idea where it would be; but if, in fact, it does get built, I strongly recommend that, you know, to go with Mr. Hessler's recommendation in extending the turbine building to encompass the steam duct with as much noise mitigation as possible because that may get us there.

In addition, Mr. McElroy, you had mentioned, you know, imposing and having Invenergy agree to penalties and fines for noncompliance. I would also recommend including cease and desist orders to that.

(Applause.)

Part of the groundwater portion of the Comprehensive Plan includes ensuring the current and future development does not adversely effect natural or cultural resources or the existing rural qualities of Burrillville and that environmentally-sensitive areas are protected, especially water supply and quality. This is incredibly highly impactful and something that I feel that the proposal does not even come close to meeting. One of the things they talk about in Land Use in the Plan is, "Develop adequate location and siting criteria within the Town's land use policies for power generating plants. These criteria shall be used to negotiate with power plant developers and State Energy Facility Siting Council." While we're trying our best to do this, we were never really given the opportunity to do that; and that's something that is not in compliance.

I'm just going to end with two real quick things. Burrillville depends entirely upon groundwater as its drinking water source, and the very second line of the Comprehensive Plan says, "The Town's natural environment adds immeasurably to its property values and quality of life." I'm feeling that the plant and its proposal is taking that very essence away from us. (Applause.)

MR. DESJARDINS: I've been on the Board for a little over 10 years now. This is probably -- well, it's not probably. It's the biggest project to hit the Town in the past 10, 20 years; and one of the first things I found that was unfortunate was that neither the Planning Board or the Town Council has an actual real vote on this. To take that voice away from the people I found to be not good at all.
(Applause.)

So, in regards to some of the stuff that we've been talking about, water quality was obviously one of the bigger ones tonight. Again, initially when I thought that the project was being put forth, I thought that the applicant was going to somehow take care of the water problems that we had; and I said to myself, "Well, at least they're coming in here, and they're going to help out the polluted well that we had." And then, as the research started coming forward, I kind of found out that it was more about you were going to filter the water so that you could use it. That's basically what you're doing. You're cleaning up the water for your use, not necessarily for our use. So, when you talk about -- and I think there was some confusion tonight about what the aquifer does, what the wellhead does, the water

coming out of there. Basically, what you're doing is you're treating the water coming out of the wellhead so that you can use it. You're not really treating the aquifer itself. You've not doing what Santa Monica is doing or anything like that. So, then when I found that out, I found that to be unfortunate as well.

We talked about -- a little bit about noise tonight, and I agree. I think you can meet those regulations, which is good; but I think, if they're not met, the Town should be able to have some sort of punitive damages coming forward to them, not for you guise to regulate with the people making the valves.

I came here from Woonsocket 15 years ago, and I came here because I wanted to move out of the city. I wanted clean air, no noise pollution and just a rural setting. After being on the Board, one of the first things I went to was the Comp. Plan; and all it talks about throughout the whole thing is about keeping the rural character of the Town intact. Those comments were actually received from the residents of the Town which was part of the way the Comp. Plan was built. I don't see how adding a second power plant does that. At the very least, it takes away from it.

We've been told, and I agree to some extent, that the region needs power. We have a growing community in New England, and we all use power; and, when we don't have power, we get aggravated. So, I agree we do need power, but I don't think Burrillville should have the burden of carrying two power plants. I just don't.

I didn't do enough research to know what other avenues you've tried to meet through surrounding communities in Connecticut, Massachusetts. I don't know that. I know you've talked before about a number of power plants in New England that, eventually, get phased out because they're inefficient or for whatever other reason; and it's unfortunate that we can't replace those plants with the energy efficient ones that you're proposing; so, in other words, keep the same amount but make them more efficient. Instead, we're talking about adding more but also sometimes keeping the older ones; and, overall, I just don't see how that keeps the Comprehensive Plan intact. That's it. (Applause.)

MR. PRESBREY: Well, I guess I'll start with economics. Yeah, in maybe three years it will create a lot of jobs, not necessarily for Burrillville residents; but in the end, 25 employees, even if it's

50 employees, is it worth it? I don't think so.

My colleagues have all pretty much stated everything the way I feel. I will be forwarding my information through an email to proper, you know, so that everything is included. There will be a lot of redundancies, obviously; but, no, I'm not going to go on. It's just not in compliance with the Comprehensive Plan. However, I do have to admit, because of the expert testimony, as far as the octave wave band, I would allow for a variance in the octave wave band alone; but the 43 decibels should be complied with because they stated that they could, and it is possible to do. Again, I agree with my colleagues, and that's all I have to say. Thank you.

MR. PARTINGTON: Okay, okay. So, Tom, I believe you've heard from the Board; and, hopefully, you have sufficient information. Gentlemen, also, any notes that you have, if you could photograph them and send them to Tom. If you don't want to peel them out of your cold hands, if you could send it to Tom so that he has the basis of what you were saying.

MR. KRAVITZ: Mr. McElroy informed me that it might be a good idea to get a vote from you guise now because there was no motion put out formally there.

MR. PARTINGTON: True.

MR. KRAVITZ: Maybe we should do that for general consistency again with the Comp. Plan and the noise limits as discussed. Do you want to break out the octave band, too?

MR. McELROY: I would suggest, Mr. Chairman, the first thing we do is someone should make a motion as to whether the facility would be consistent with the Town's Comprehensive Plan and the Rhode Island Comprehensive Planning and Land Use Regulation Act. Somebody should introduce a motion yes or no.

MR. PARTINGTON: I'll make a motion from the Chair that the plan is inconsistent with the Comprehensive Plan and with the -- can you cite that again, sir?

MR. McELROY: Rhode Island Comprehensive Planning and Land Use Regulation Act.

MR. PARTINGTON: -- Rhode Island Comprehensive Planning and Land Use Regulations. Do I have a second?

MR. FERREIRA: Second.

MR. PARTINGTON: Thank you. Any discussion? All those in favor?

(Whereupon all the Members of the Board responded by saying, "Aye.")

MR. PARTINGTON: Any opposed?

(Whereupon none of the Members of the Board responded.)

MR. PARTINGTON: Motion carries. (Applause.) Motion from the Chair on the Noise Ordinance that a waiver for the low octave band and that, as long as it meets --

VOICES FROM THE FLOOR: No.

MR. McELROY: Mr. Chairman, I think it's better to break the noise issue out into two.

MR. PARTINGTON: Okay.

MR. McELROY: First is whether or not -- Invenergy has not asked for anything with regard to the Noise Ordinance 43 dBA. They've committed to doing that.

MR. PARTINGTON: Right, okay.

MR. McELROY: What they've asked for is a waiver from the octave band, low frequency limitation.

MR. PARTINGTON: Okay. I'll make a motion from the Chair that the plan as presented appears to conform to the Noise Ordinance.

MR. McELROY: My suggestion would be we first vote on whether or not to give them the octave band waiver.

MR. PARTINGTON: Okay.

MR. McELROY: Then if it's voted that we do give

them the octave band waiver or don't, however it's voted, we then move on to the second question which is, for example, with the waiver, would they meet the Noise Ordinance; or without the waiver would they meet it.

MR. PARTINGTON: Okay. So, motion -- scratch out everything I've done so far. Motion from the Chair that we waive the low octave band requirement.

VOICE FROM THE FLOOR: No. I live there.

MR. PARTINGTON: Ladies and gentlemen, this is a motion. This is a vote. This is what we do, and so let us do our business, please. So, there's a motion on the floor. Do I have a second?

MR. PRESBREY: Second.

MR. PARTINGTON: I have a second. Thank you very much. So, by saying yes to this, by saying yes to this, what you would say is that you are going to waive the low end, okay, which is technically, or apparently technically infeasible, can't be done, okay. So, they're looking for a waiver on the low end, okay. So, a "yes" vote would mean you're going to waive that. A "no" vote means that, no, they have to comply with everything, including that. Okay? Discussion?

MR. TREMBLAY: No, I just wanted to make sure

that we don't really have the information on this issue that has been brought up by DEM in their third set of data requests. Somebody is studying this. Maybe there's no impact on the human ear, but maybe there are other impacts out there that we don't know about; and so, I think I said in my statement I would be in favor of granting this waiver, once we knew more information. So, for us to try to act on this now is premature. That's it.

MR. FERREIRA: I have to agree with him on the low octave band. No data has been presented to us. So, how can we move on this correctly? There's no information, really, for us to deal with it.

MR. LUPIS: And I tend to agree. Maybe that's with humans, but what about the wildlife out there? Are we going to be driving the wildlife out of there?

MR. PARTINGTON: Okay. The only -- well, I can withdraw it. I can withdraw it.

MR. PRESBREY: Well, if we don't have enough information, so --

MR. PARTINGTON: Well, the testimony so far has said that it's impossible.

MR. PRESBREY: Right.

MR. PARTINGTON: So, I mean that's part of it. So, it's only from one source, correct. So, do we

have enough information to vote on it? I think what's going to have to happen, sir, is in our next meeting we will have to address that issue because I don't think we have enough information. I don't believe anyone is comfortable enough to do it. So, I will tell you what: I will withdraw the motion. Would anyone like to withdraw the second? Who made the second?

MR. FERREIRA: Jeff did.

MR. PARTINGTON: Jeff did?

MR. PRESBREY: Yeah, I'll withdraw.

MR. PARTINGTON: Okay, thank you. So, would anyone else like to make a motion on this particular subject at the present time? (Pause.) No, okay. So, I think we're going to have to go to the next meeting and then get it -- we can do it definitive.

MR. McELROY: We can do that.

MR. PARTINGTON: Okay. So, Tom, we're -- do you have all that you need, obviously, besides the Noise Ordinance?

MR. KRAVITZ: Yes.

MR. PARTINGTON: So, you're satisfied with that, okay. Okay, hold on. Any final comments?

MR. FERREIRA: I've been waiting.

MR. PARTINGTON: I told you you'd get it back.

MR. FERREIRA: Oh, thank you. Understanding first that the Planning Board and no one in Burrillville really has the final say in this, that this is in the hands of the Energy Facility Siting Board in Providence, I'd like to make the following motion: That, under EFSB Regulations 1.14(B), that a formal request be presented to the EFSB through our attorney that the EFSB delegate to the Burrillville Planning Board the ability to review construction plans and make changes as necessary to fit the facility to whatever area used to ensure the health and safety of the community.

MR. PICK: Second.

MR. PARTINGTON: I have a motion and a second. Any discussion? (Pause and no response.) All those in favor?

(Whereupon all the Members of the Board responded by saying, "Aye.")

MR. PARTINGTON: Any opposed?

(Whereupon none of the Members of the Board responded.)

MR. PARTINGTON: Thank you, Mr. Ferreira.

MR. FELICE: Mr. Chairman.

MR. PARTINGTON: Yes.

MR. FELICE: We're separating the band with the

43 decibels. Do we still need to vote on the 43 decibel?

MR. McELROY: We do, but I think we postponed that to the next meeting.

MR. FELICE: Oh, I didn't know if that was incorporated with that. All right, thank you.

MR. PICK: I would just add to that, if we're going to do that, would we also discuss water and air?

MR. PARTINGTON: What's happened is we've -- the two things that we were asked was the compliance with the Comprehensive Plan, which we did vote; and then the other one was the Noise Ordinance, which we did not because we didn't feel we had enough information. So, those are the only two things that we needed to take a vote on. So, are you satisfied with that, sir?

MR. PICK: Yes.

MR. PARTINGTON: Okay, so -- hold on.

MR. PRESBREY: Thanks. I just have one thing to Ms. Nunez (sic.). We had some discussion about the survey plans as far as compliance with the regulations. You forwarded a set of alt plans to me that did, in fact, appear to comply. However, the original plan, the first plan -- so, you sent two

sets of plans, one of four sheets and one of one sheet. The alt plans did comply, but those aren't necessarily the ones that are recorded. The single plan does not comply to the requirements because of the very small text. You can't read it, it can't be reproduced and, you know, be read. It can't be reconstituted, the plan itself. So, just if this does go through and go forward, you know, that plan that will be recorded will have to comply with the survey requirements. Thank you.

MS. NOONAN: I will bring my land surveyor. You can talk to him.

MR. PRESBREY: I'd love to speak to him, especially seeing he was on the original Board.

MR. PARTINGTON: Okay, anyone else?

MR. FERREIRA: I make a motion that we continue this meeting to August what?

MR. PARTINGTON: 22nd, correct?

MR. KRAVITZ: Yes.

MR. PICK: 22nd.

MR. PARTINGTON: Okay, I have a motion and a second. All those in favor?

(Whereupon all the Members of the Board responded by saying, "Aye.")

MR. PARTINGTON: Any opposed?

(Whereupon none of the Members of the Board responded.)

MR. PARTINGTON: Okay, adjourn.

MR. FERREIRA: Make a motion to adjourn.

MR. PRESBREY: Second that.

MR. PARTINGTON: Any discussion? (Pause and no response.) Good night, everybody. Thank you.

(Meeting Adjourned at 9:43 p.m.)

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C E R T I F I C A T I O N

I do hereby certify the foregoing pages to be a complete, true and accurate transcript, according to my stenographic notes, of the hearing IN RE: MAJOR SUBDIVISION/LAND DEVELOPMENT ON INVENERGY THERMAL DEVELOPMENT, LLC's Clear River Energy Center, heard before the Burrillville Planning Board at the Burrillville High School Auditorium, 425 East Avenue, Harrisville, Rhode Island, on August 15, 2016 at 6:00 p.m.

Andrew J. D'Angelo
Andrew J. D'Angelo
Court Reporter

(Signed Electronically)