

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC. BURRILLVILLE PLANNING BOARD

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 **ALSO PRESENT**
Mr. Marc Tremblay Mr. Thomas Kravitz,
Mr. Dov Pick Planning Director
Mr. Leo Felice
Mr. Mike Lupis Ms. M. Christine Langlois,
Mr. Bruce Ferreira Deputy Planner
Mr. Christopher Desjardins
Mr. Robert Woods (Recused.)

APPEARANCES

MICHAEL R. McELROY, ESQUIRE . . . SPECIAL COUNSEL FOR
THE TOWN OF BURRILLVILLE
ELIZABETH M. NOONAN, ESQUIRE. . . FOR INVENERGY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS PAGE

William K. Ahlert
Direct Examination by Ms. Noonan 7

SPEAKERS

Kenneth Putnam 67
Robert Perreault 68
David Brunetti 70
Dennis Anderson. 73
Thomas Trimble 75
Jason Olkowski 76
Stephanie Sloman 82
Bradford Bridge. 84
Christopher Watson 85
Jim Libby. 89
Stephanie Lynn 91
Frank Silva. 93
Jan Luby 98
John Scott 102
Anita Bevans 103
Sal Giaquinta. 105
Robert Woods 108
Thomas Sylvester 114
Jeremy Bailey. 117

MOTION BY MR. PARTINGTON THAT THE PLAN IS
INCONSISTENT WITH THE COMPREHENSIVE PLAN
AND THE RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE REGULATIONS 147

1 **IN RE: BURRILLVILLE PLANNING BOARD HEARING ON**
2 **MAJOR SUBDIVISION/LAND DEVELOPMENT**
3 **FOR**
4 **INVENERGY THERMAL DEVELOPMENT, LLC**
5 **AUGUST 15, 2016**

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

10 Next is the acceptance of the minutes from --

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

13 MR. PICK: Second.

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

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

20 MR. PARTINGTON: Any opposed?

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

23 MR. PARTINGTON: Motion carries.

24 Correspondence. We had a lot of correspondence, lots
25 and lots. We have several responses from Invenergy.

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

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

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

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

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

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

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

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

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

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

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

5 WILLIAM AHLERT, first having been
6 duly sworn, testified as follows:

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

15 DIRECT EXAMINATION BY MS. NOONAN

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

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

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

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

5 A It will be 28 years this year.

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

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

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

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

25 Q And you were present at the June 20 Planning Board

1 hearing and heard the testimony that evening,
2 correct?

3 A That is correct.

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

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

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

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

1 current conditions were, as well as look at whether
2 there were issues associated with the use of the
3 water that had to be considered for purposes of
4 impacts to human health and the environment; went
5 back and reviewed all of the various environmental
6 investigations that had been performed going back to
7 '91 when the initial investigation started, when it
8 was discovered and, unfortunately, for this
9 community, the significant contamination that was
10 associated with an underground storage tank that had
11 leaked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MR. PARTINGTON: Okay, thank you very much.

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

5 VOICE FROM THE FLOOR: And how long it takes.

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

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

9 WOMAN FROM THE FLOOR: How long did that take?

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

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

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

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

4 MR. PARTINGTON: Understood.

5 MS. NOONAN: Thank you.

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

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

1 they're non-detect.

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

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

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

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

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

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

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

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

1 conditions that have to be treated.

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

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

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

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

1 conditions through their testing that identified any
2 vapor intrusion.

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

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

1 issued by the Pascoag Utility District?

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

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

5 MS. NOONAN: We haven't seen it.

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

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

1 detected was 40, 45 parts per billion.

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

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

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

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

1 stop pumping.

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

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

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

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

10 MR. AHLERT: I know.

11 MR. PARTINGTON: Okay.

12 MR. AHLERT: And I didn't go into looking at
13 designing pump tests. There is another company
14 involved with designing the pump test. My job is to
15 understand whether you can do these things and
16 whether you can effectively make them happen, but you
17 have to do a pump test long enough so that you can
18 see whether there's a pattern of migration; and, from
19 other pump tests, they've been run upwards of
20 30 days.

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

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

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

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

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

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

10 MR. PARTINGTON: Okay, thank you. Gentlemen?

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

13 MR. AHLERT: That's correct.

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

19 MR. HEVNER: Yes, I'm listening.

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

25 MR. HEVNER: I haven't seen it.

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

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

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

13 MR. McELROY: No.

14 MR. HEVNER: Pascoag.

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

17 MR. PARTINGTON: Right.

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

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

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

1 of firing days.

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

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

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

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

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

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

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

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

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

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

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

16 VOICE FROM THE FLOOR: What treatment?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 MR. PICK: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

1 would have to be addressed in those other well sites?

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

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

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

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

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

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

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

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

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

24 MR. PRESBREY: Okay, thank you.

25 MR. FERREIRA: Hi, Bruce Ferreira, Planning

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

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

7 MR. FERREIRA: Okay, all right.

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

10 MR. FERREIRA: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

2 MR. AHLERT: So, I looked at 3A and the use of
3 3A and the issues associated with the contaminants in
4 3A. I have not looked at those issues.

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

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

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

22 MR. FERREIRA: Yes.

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

25 MR. FERREIRA: Thank you.

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

10 MR. AHLERT: As I recall, the pumping rates were
11 170 to 250 gallons a minute. So, they're not at the
12 same rate as the maximum number that would be
13 potentially pumped at, but they're at a rate that
14 would be the regular rate that would be proposed.

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

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

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

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

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

8 MR. KRAVITZ: Right.

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

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

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

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

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

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

24 MR. HEVNER: Without treatment?

25 MR. AHLERT: No, with treatment.

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

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

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

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

13 MR. HEVNER: Sure.

14 MR. PARTINGTON: Okay, Elizabeth.

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

22 MR. AHLERT: So, Well 3A is -- I believe it's
23 50 feet to bedrock, and then it's probably another 20
24 or 30 feet; and it's probably an open bore hole to
25 some respect, and the pumping occurs from the bedrock

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

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

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

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

6 MR. PARTINGTON: Okay.

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

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

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

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

23 MS. NOONAN: I'm all set.

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

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

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

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

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

9 MAN FROM THE FLOOR: Will there be public
10 comment?

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

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

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

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

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

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

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

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

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

17 MR. FEINBLATT: Yes. Primarily, yes.

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

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

23 MR. FERREIRA: That's right, yes.

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

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

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

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

12 MR. FERREIRA: Yes?

13 MR. FEINBLATT: Yes.

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

17 MR. FEINBLATT: Correct.

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

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

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

1 like a flushing action?

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

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

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

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

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

1 plant.

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

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

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

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

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

1 MR. FEINBLATT: No.

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

3 MR. FEINBLATT: You're welcome.

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

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

9 MR. FERREIRA: Sorry.

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

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

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

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

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

1 will just become less and less over time.

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

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

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

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

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

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

1 calculate.

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

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

6 MR. FERREIRA: I do.

7 MR. PARTINGTON: Fire away.

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

11 MR. FEINBLATT: I am.

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

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

16 MR. FERREIRA: Thank you.

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

22 MR. FEINBLATT: Year round.

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

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

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

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

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

11 MR. PRESBREY: Okay, thank you.

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

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

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

1 the five days you were just talking about?

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

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

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

11 MR. PARTINGTON: Okay.

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

15 MR. PARTINGTON: Go ahead.

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

1 think that needs to be looked at again.

2 Something happened to me within this past week
3 where I was in front of CVS waiting for an 18-wheeler
4 to make the turn, and it was just a straight flatbed.
5 He had the cab all the way up against the curbing on
6 the CVS side, and he was doing a left turn, so that's
7 just about the easiest you can do with an 18-wheeler.
8 The back tandem wheels on the trailer actually went
9 up over the sidewalk on the Echo Lake Plaza side.
10 Before the back tandem wheels got back on the right
11 side of the road in front of CVS, he was pretty much
12 even with the front of my truck; and I stopped down
13 near the exit for the CVS, so there was a good six
14 car lengths in front of me. That entire intersection
15 has to be re-looked at. It's not going to handle
16 18-wheelers, especially when you start talking
17 about (Applause.) -- sorry about that -- when we
18 start talking about having three deliveries of diesel
19 fuel per hour. So, we're looking at six trips.
20 We're looking at 144 trips of 18-wheelers going
21 through that intersection. I'm not worried about
22 construction. I'm more concerned about operation,
23 the normal operation. In addition to the 18-wheelers
24 with the fuel, you're also looking at hydrogen being
25 delivered, that tank -- ammonia and hydrogen being

1 delivered for standard operations there. So, --

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

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

7 MS. CHLEBEK: It's the widening?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (Applause.)

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

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

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

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

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

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

25 MR. PARTINGTON: Okay. Ladies and gentlemen, if

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

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

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

16 (Recess.)

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

1 Ken Putnam.

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

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

13 MR. PUTNAM: Okay.

14 MR. PARTINGTON: Thank you, sir.

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

20 MR. PARTINGTON: Yes, sir. Thank you.

21 MR. PUTNAM: Thank you.

22 MR. PARTINGTON: Robert Perreault, Jr.

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

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

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

1 characterize that correctly?.

2 MR. AHLERT: Yes, you did.

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

5 MR. BRUNETTI: Hi. I just have a couple
6 questions here. So, the first one is on on-site
7 water storage. It has come to my attention that
8 there will two storage tanks on site for water.
9 According to John Niland of Invenergy, one would be a
10 750,000-gallon capacity storage tank for raw water,
11 of which 300,000 gallons must be held in reserve for
12 fire protection, while the other will be a 1.865
13 million gallon capacity storage tank for
14 demineralized water. Additionally, this water
15 totalling 2.3 million gallons will be consumed every
16 3.65 days and listed as an addition to the
17 3.8 million gallons of water planned to be consumed
18 from PUD Well 3A over that same time period of 3.65
19 days, for a total consumption of six million gallons
20 every 3.65 days, which breaks down to slightly more
21 than 1.6 million gallons per day.

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

24 MR. PARTINGTON: Okay. Gentlemen?

25 MR. FEINBLATT: It will be above ground.

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

4 MR. FEINBLATT: No.

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

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

10 MR. PARTINGTON: No, it's okay.

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

15 MR. FEINBLATT: No.

16 MR. BRUNETTI: If it is not the condensate from
17 the steam, then from where would the water for the
18 1.86 -- excuse me, 1.865 million gallon storage tank
19 be sourced?

20 MR. FEINBLATT: It would be from the well.

21 MR. PARTINGTON: From Well 3A?

22 MR. FEINBLATT: Well 3A.

23 MR. BRUNETTI: Okay.

24 MR. PARTINGTON: Can you finish up, sir.

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

1 As a follow-up to Mr. Ahlert's comments and
2 references to the studies performed by RIDEM which
3 indicate that the MTBE level is down to approximately
4 40 to 45 ppb:

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

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

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

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

15 MR. PARTINGTON: Okay, and --

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

18 MS. NOONAN: The water tests?

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

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

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

1 MS. NOONAN: Okay.

2 MR. PARTINGTON: Thank you, sir.

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

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

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

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

13 MR. ANDERSON: What's the answer?

14 MR. FEINBLATT: 1.6 million.

15 MR. ANDERSON: 1.6 million?

16 MR. FEINBLATT: Gallons per day.

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

19 MR. FEINBLATT: 105,000.

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

23 MR. FEINBLATT: It's Well 3A.

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

25 MR. FEINBLATT: Yes.

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

4 MR. ANDERSON: All right. Having been here only
5 14-and-a-half years, is there anybody who's been here
6 longer that can tell me what the average and maximum
7 daily pumping out of Well 3A was before the incident?

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

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

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

25 MR. PARTINGTON: Thank you. Thomas Trimble.

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

5 MR. PARTINGTON: 105,000.

6 MR. TRIMBLE: For both units per day?

7 MR. FEINBLATT: Yeah, both units.

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

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

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

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

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

22 MR. FEINBLATT: Correct.

23 MR. TRIMBLE: And be evaporated into the
24 atmosphere.

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

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

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

8 MR. FEINBLATT: Correct.

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

12 MR. FEINBLATT: No.

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

15 MR. FEINBLATT: Yes.

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

17 MR. PARTINGTON: Thank you. Jason Olkowski.

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

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

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

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

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

13 MR. AHLERT: Bill.

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

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

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

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

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

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

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

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

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

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

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

15 MR. PARTINGTON: Sir, is there a question?

16 MR. OLKOWSKI: There is a question.

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

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

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

18 MR. PARTINGTON: Thank you, sir.

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

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

22 MR. OLKOWSKI: Yeah.

23 MR. PARTINGTON: You're well over time.

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

1 last question.

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

5 VOICE FROM THE FLOOR: We'll wait.

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

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

10 VOICE FROM THE FLOOR: Your rule.

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

16 VOICE FROM THE FLOOR: You just opened it.

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

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

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

6 MR. PARTINGTON: And I understand.

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

9 MR. PARTINGTON: And I understand that, sir.

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

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

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

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

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

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

8 MS. SLOMAN: But seasonally?

9 MR. AHLERT: Seasonally.

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

21 MR. AHLERT: No.

22 MS. SLOMAN: Why not?

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

1 to the plant.

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

5 MR. AHLERT: That's correct.

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

7 MR. AHLERT: That's correct.

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

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

12 MS. SLOMAN: All right, thank you.

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

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

21 MR. AHLERT: So the filters is --

22 MR. BRIDGE: The charcoal filters.

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

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

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

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

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

14 MR. PARTINGTON: Thank you sir. Chris Watson.

15 MR. WATSON: Christopher Watson, Jackson
16 Schoolhouse Road. First of all, I've been advised to
17 be nice. I would like to take a moment and clarify a
18 couple of things. Invenergy's application calls for
19 running two gas power plants at 220,000 gallons, not
20 105, okay. Okay, that's in their application.
21 I can cite you the graph, but I don't have it in
22 front of me.

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

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

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

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

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

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

22 MR. PARTINGTON: Yes, sir.

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

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

1 ability to detect it with the equipment they have.

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

5 MR. AHLERT: Yes.

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

8 MR. AHLERT: Yes.

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

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

3 MR. PARTINGTON: Thank you, sir.

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

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

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

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

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

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

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

14 MR. AHLERT: So, the pump --

15 MR. PARTINGTON: Did it die?

16 MR. AHLERT: Well, it's dead.

17 (Pause while the microphones are switched.)

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

1 well back on.

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

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

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

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

18 MR. LIBBY: Correct.

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

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

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

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

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

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

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

20 VOICE FROM THE FLOOR: Can't hear you.

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

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

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

1 MR. AHLERT: Yes.

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

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

7 MS. LYNN: From 2006?

8 MR. AHLERT: That's correct.

9 MS. LYNN: What year is it now?

10 MR. AHLERT: 2016.

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

14 MR. AHLERT: What location?

15 MS. LYNN: 3A.

16 MR. AHLERT: And what time frame?

17 MS. LYNN: Two thousand --

18 MR. AHLERT: And one?

19 MS. LYNN: The last test that was run.

20 MR. AHLERT: In 2006 during the pump test?

21 MS. LYNN: Yes.

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

24 MS. LYNN: Okay, one more question.

25 MR. AHLERT: Sure.

1 MS. LYNN: Granule activated carbon?

2 MR. AHLERT: Yes.

3 MS. LYNN: That's what's in a Brita filter,
4 right, that you use in your house to put the water
5 in?

6 MR. AHLERT: Yes.

7 MS. LYNN: I didn't know Brita could take out
8 MTBE.

9 MR. AHLERT: It takes out organic contaminants.

10 MS. LYNN: No, no. You're so funny. All right,
11 one more thing. I just want you to know:
12 If I was me, I have two kids. If I was to put their
13 sippy cups on the counter and I added a gasoline
14 additive, I'd go to jail, and rightfully so.
15 We shouldn't have to do this. This is ridiculous.
16 I can't see how you can say MTBE is okay, and the
17 level of detection be zero, not 20 to 40 parts per
18 billion.

19 MR. PARTINGTON: Thank you. Frank Silva, Jan
20 Luby on deck.

21 MR. SILVA: Hi, my name is Frank Silva, Wallum
22 Lake Road, Pascoag. The question I have is directed
23 to the Invenenergy gentlemen with regards to what is
24 your background, actually? Does it really -- because
25 I haven't gotten a handle on it. I actually walked

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

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

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

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

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

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

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

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

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

7 MR. AHLERT: Yes.

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

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

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

21 MR. AHLERT: Sounds good.

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

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

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

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

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

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

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

16 MR. AHLERT: Quality.

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

20 MR. AHLERT: It's both.

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

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

1 looking at the impacts on quality.

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

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

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

6 MR. AHLERT: Activated carbon.

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

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

10 MR. SILVA: Okay. And is it reused?

11 MR. AHLERT: It is reused.

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

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

18 MR. SILVA: Okay, I did --

19 MR. PARTINGTON: Your final question, sir.

20 MR. SILVA: I did have a chance to speak with
21 the folks in Santa Monica, California. Marion
22 Cordessa is a manager of the Water Authority.
23 She's an environmental chemist, and they have about
24 46 professional individuals at their location.
25 They're well versed in what they've done. They've

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

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

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

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

24 MS. LUBY: It's already at non-detect in Well
25 3A?

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

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

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

8 MS. LUBY: Okay. So, if it's -- okay. So, at
9 50 parts per billion, let's say you're going to clean
10 that; how long does that take? You said earlier it
11 varies, when one of the Board asked you. It varies
12 I know. I'm sure it varies, but can you give us a
13 ballpark figure of what it would take in time to
14 clean that?

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

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

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

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

4 MR. AHLERT: Yes.

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

8 MR. AHLERT: Uh-huh.

9 MS. LUBY: Right?

10 MR. AHLERT: Yes.

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

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

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

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

1 right?

2 MS. LUBY: Okay.

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

5 MS. LUBY: I'm so confused.

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

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

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

17 MS. LUBY: Okay.

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

20 MR. AHLERT: You're correct.

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

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

3 MS. LUBY: All right, thank you.

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

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

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

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

21 MR. FEINBLATT: Because they have other water
22 sources.

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

25 MR. FEINBLATT: Yes.

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

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

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

18 MR. PARTINGTON: Uh-huh.

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

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

1 MR. FEINBLATT: Correct.

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

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

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

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

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

1 water from, that unknown C?

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

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

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

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

11 MS. NOONAN: That's correct.

12 MS. BEVANS: Okay, thank you.

13 MR. PARTINGTON: Thank you. Sal Giaquinta.

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

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

18 MR. KRAVITZ: In terms of number of units?

19 MR. PARTINGTON: Not necessarily. Percentage
20 perhaps.

21 MR. KRAVITZ: I don't recall.

22 MR. GIAQUINTA: Okay.

23 MR. PARTINGTON: Probably, 40 or 50 percent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 MR. WOODS: I wore my Hawaii shirt today because
17 I gave up my Hawaii vacation to be here tonight just
18 for this special occasion. I'm kidding. Now I lost
19 my train of thought. So, you said that, Bill, if I
20 may, you said that the water coming out of the new
21 structure that is going to clean the water with the
22 carbon filters, that's it's zero detect.

23 Specifically, what does zero detect mean? Are there
24 any other organic materials that will bypass those
25 carbon filters, such as benzene, toluene, xylene and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 MR. WOODS: Well --

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

9 MR. WOODS: I will, and there are reports from
10 2003 to 2004, 2005 and 2006 from Harrisville Water
11 District that are detecting MBTE (sic.) in the water,
12 not a large amount, but it doesn't come naturally.
13 So, I would think that that is already migrating
14 across the Clear River, and that is of some major
15 concern; would you agree?

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

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

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

24 MR. WOODS: Okay.

25 MR. PARTINGTON: Thank you.

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

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

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

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

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

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

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

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

4 MR. SYLVESTER: Thank you very much.

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

6 MR. SYLVESTER: My name is Thomas Sylvester,
7 283 Church Street. I'd like to ask Ms. Newman
8 (sic.), what is the time frame for appealing on the
9 court order as far as having some kind of action to
10 reverse it? At what point would it make sense in the
11 process?

12 MS. NOONAN: What are you asking me about?

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

15 MS. NOONAN: There is no appeal period.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MR. AHLERT: So, I'm not sure the last time DEM
23 did a study on the well, but there was a pump test in
24 2006.

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

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

8 MR. PARTINGTON: Thank you, sir.

9 MR. BAILEY: Jeremy Bailey, Wallum Lake Road.

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

19 MR. AHLERT: I did.

20 MS. NOONAN: Thank you.

21 MR. SYLVESTER: Thank you.

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

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

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

3 MS. NOONAN: I don't know.

4 MR. BAILEY: All right.

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

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

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

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

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

23 MR. FEINBLATT: Correct.

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

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

4 MR. BAILEY: That's okay.

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

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

10 MR. FEINBLATT: Yes.

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

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

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

1 make up water?

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

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

5 MR. FEINBLATT: If needed, yes, sure.

6 MR. BAILEY: Okay, thank you.

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

8 MR. BAILEY: Yup.

9 MR. PARTINGTON: Thank you.

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

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

18 MR. BAILEY: And would we then --

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

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

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

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

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

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

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

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

21 MR. GIAQUINTA: That's a test.

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

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

6 MR. GIAQUINTA: All right.

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

10 VOICE FROM THE FLOOR: Thank you.

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

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

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

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

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

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

6 MR. KRAVITZ: The 22nd.

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

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

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

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

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

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

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

1 construction information makes it difficult to make a
2 determination.

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

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

16 The chapter also deals with water quality; and,
17 while the MTBE cleanup to zero detection is possible
18 and desirable, there are many other questions about
19 Well 3A, such as its effect on the aquifer pumping
20 925,000 gallons per day, which is a lot of what we
21 heard tonight.

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

1 wastewater plant.

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

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

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

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

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

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

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

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

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

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

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

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

9 MR. KRAVITZ: Thank you.

10 (Applause.)

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

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

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

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

19 MR. PARTINGTON: Correct.

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

22 MR. PARTINGTON: Thank you.

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

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

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

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

25 (Applause.)

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

3 MR. PARTINGTON: Founding father.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 MR. PARTINGTON: Just so the audience knows,

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

4 VOICE FROM THE FLOOR: Oh, we know.

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

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

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

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

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

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

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

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

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

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

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

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

21 In addition, Mr. McElroy, you had mentioned, you
22 know, imposing and having Invenergy agree to
23 penalties and fines for noncompliance. I would also
24 recommend including cease and desist orders to that.
25 (Applause.)

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

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

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

9 (Applause.)

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

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

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

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

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

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

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

1 50 employees, is it worth it? I don't think so.

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

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

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

25 MR. PARTINGTON: True.

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

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

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

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

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

20 MR. FERREIRA: Second.

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

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

25 MR. PARTINGTON: Any opposed?

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

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

7 VOICES FROM THE FLOOR: No.

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

10 MR. PARTINGTON: Okay.

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

15 MR. PARTINGTON: Right, okay.

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

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

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

24 MR. PARTINGTON: Okay.

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

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

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

9 VOICE FROM THE FLOOR: No. I live there.

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

14 MR. PRESBREY: Second.

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

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

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

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

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

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

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

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

23 MR. PRESBREY: Right.

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

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

9 MR. FERREIRA: Jeff did.

10 MR. PARTINGTON: Jeff did?

11 MR. PRESBREY: Yeah, I'll withdraw.

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

17 MR. McELROY: We can do that.

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

21 MR. KRAVITZ: Yes.

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

24 MR. FERREIRA: I've been waiting.

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

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

13 MR. PICK: Second.

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

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

19 MR. PARTINGTON: Any opposed?

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

22 MR. PARTINGTON: Thank you, Mr. Ferreira.

23 MR. FELICE: Mr. Chairman.

24 MR. PARTINGTON: Yes.

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

1 43 decibels. Do we still need to vote on the 43
2 decibel?

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

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

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

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

18 MR. PICK: Yes.

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

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

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

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

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

15 MR. PARTINGTON: Okay, anyone else?

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

18 MR. PARTINGTON: 22nd, correct?

19 MR. KRAVITZ: Yes.

20 MR. PICK: 22nd.

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

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

25 MR. PARTINGTON: Any opposed?

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

3 MR. PARTINGTON: Okay, adjourn.

4 MR. FERREIRA: Make a motion to adjourn.

5 MR. PRESBREY: Second that.

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

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

9 * * * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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)