TOWN OF BURRILLVILLE

TOWN BUILDING
HARRISVILLE, R.I.

NEWS RELEASE

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Town of Burrillville Calls for
Revision of Energy Facility Siting Act

Process Flawed, Act Outdated, Works Against Best Interest of State and Host Community

The Town of Burrillville is calling for an overhaul of the 30 -year old outdated Rhode Island Energy Facility Siting Act and supports Senate Bill 591 which is before the Senate Judiciary Committee for hearing on June 6, 2019.

The existing Energy Facility Siting Act puts the power to approve new power plants in the hands of an Energy Facility Siting Board totally circumventing municipal regulations and taking away any local decision-making authority. Burrillville has been particularly impacted by the existing EFS Act. The Town is powerless to protect its residents from a proposed massive new Invenergy gas fired powerplant which would be located in Burrillville's pristine forest. In written testimony to the Senate Judiciary Committee, the Town of Burrillville notes:

> "The EFSB enabling legislation is outdated and inadequate. Public participation is limited. City and town resolutions supporting or opposing a facility can be ignored. State environmental goals are not prioritized. Incomplete applications create unnecessary expense and delays while stakeholders and agencies pursue essential information from an applicant. Host cities and towns can be excluded due to budgetary constraints. Regulatory enforcement options for existing energy facilities are limited. This bill improves the EFSB permitting process in many ways.

Senate Bill 591 addresses the many loopholes in the Act (process and decision-making) that work against the best interests of a host community and, it could be argued, the state as a whole.

1. This bill creates a **faster and more transparent permitting process** by ensuring essential information is submitted by the applicant from the outset. This is achieved through a pre- application process

similar to any other major land development (R.I.G.L. § 45-23-35), and review of the application by state and municipal stakeholders for completeness prior to docketing.

2. This bill **strengthens environmental protections and operational compliance** by ensuring that state environmental policies are respected, that cumulative environmental impacts of related applications are considered, and by improving options to guarantee operational compliance.

3. This bill **increases public participation** by creating more opportunities for public participation in the permitting process and designating an attorney to serve as counsel for the public to participate in a formal capacity to protect the public interest.

4. This bill **supports participation of cities and towns** by requiring the EFSB to consider cities and towns supporting or opposing an application, evaluating whether a proposed facility fits within a host community's comprehensive plan, and ensuring a host community has a meaningful role in the permitting process. The EFSB retains sole authority to grant or deny a permit.

5. This bill creates **dual tracks for small versus large energy projects** by keeping the current process for small projects (such as transmission lines) and expanding the process for large projects (such as power plants). For small energy projects, the EFSB would remain 3 members, and for large energy projects, the EFSB would expand to 7 members to gain additional viewpoints and expertise.

Changes to the EFS Act have widespread support from Rhode Island municipalities, 31 joined with Burrillville in opposing the proposed Invenergy power plant.

A bill similar to 2019 S- 591, passed the House last year (2018 – H 8120 Sub A). Prior to that, the House formed a special legislative commission to study the Energy Facility Siting Act (2017 – H 6051). This bill (2019 – S 591) contains language that addresses concerns that were raised as part of the special legislative commission. This bill is prospective and would not affect any docket currently pending before the EFSB.