

**STATE OF RHODE ISLAND  
ENERGY FACILITY SITING BOARD**

**IN RE:           OCEAN STATE POWER, LLC'S :**  
**PETITION FOR                         :**                         **SB-2022-04**  
**DECLARATORY ORDER                 :**

On August 5, 2022, Ocean State Power, LLC (Ocean State Power or Petitioner) filed a Petition for Declaratory Order with the Rhode Island Energy Facility Siting Board (Board) pursuant to R.I. Gen. Laws § 42-35-8.<sup>1</sup> In the Petition, Ocean State Power seeks a determination from the Board that proposed modifications of certain internal components in the Phase 2 power block of Ocean State Power's 560 MW dual-fuel (natural gas and diesel) electric generation facility located in Harrisville, Rhode Island do not constitute an alteration of a major energy facility such that a full application to the Board would be required.

Ocean State Power is a 560 Megawatt (MW) dual-fuel combined cycle electric generating facility located in the northwestern part of Rhode Island. The Board issued a license for construction of the facility in 1988.<sup>2</sup> Licensed and constructed as two units, Phase 1 was commissioned in 1990 and Phase 2 in 1991. The proposed modifications consist of three categories of work to be conducted at Phase 2 of the Ocean State Power facility: 1) upgrades to internal components of the steam turbine to improve efficiency; 2) addition of wet compression skirts to the combustion turbine to increase generator output; and 3) improvements to pollution control equipment that will occur during previously scheduled maintenance and inspection work in 2024.<sup>3</sup>

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<sup>1</sup> All filings in this docket are available at the PUC offices located at 89 Jefferson Boulevard, Warwick, Rhode Island or at <https://ripuc.ri.gov/Docket-SB-2022-04>.

<sup>2</sup> Docket No. SB-87-1, Order No. 7 (Oct. 25, 1988).

<sup>3</sup> Petition at 3-8 (Aug 5, 2022).

Ocean State Power asserted that the modifications proposed will increase the facility's summer generation capacity by 64 MW which will allow it to provide more peak generation capacity while still using the facility's existing footprint.<sup>4</sup> The modifications are described as pollution-reducing efficiency upgrades that will have a positive environmental impact by reducing the facility's potential to emit certain air pollutants (including nitrogen oxides, carbon monoxide, and volatile organic compounds) and annual greenhouse gas emissions.<sup>5</sup>

Ocean State Power maintained that the proposed upgrades and improvements will not adversely impact the environment or public health, safety, or welfare. The only direct impact identified is a positive impact on air quality. Subject to the Department of Environmental Management's (DEM) air pollution control regulations, Ocean State Power has a Title V Operating permit. The modifications proposed to the existing facility require a minor source air permit which was issued by DEM on May 31, 2022. The minor source air permit requires the facility to operate within certain permit limits for both natural gas and #2 fuel oil. The data provided by Petitioner showed a reduction in pollutants emitted when operating under the new permit versus the existing permit. Data provided also established lower overall annual emissions and a decrease of greenhouse gas emissions resulting from the proposed modifications.<sup>6</sup> Petitioner asserted that the proposed modifications are consistent with the Act on Climate.<sup>7</sup>

Other than the positive direct impact on air quality, there was no evidence of any other potential risks of impact to the environment, or to public health, safety, and welfare. Petitioner maintained that there is no change to the facility's footprint or boundaries, traffic will not be

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<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 9-10.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 11-12.

affected as there will not be an increase in the number of permanent employees, and the facility's zero-liquid-discharge system for process wastewater will not be impacted. There will be a minimal increase in water usage expected only during peak demand times during the summer months, and the local water supply infrastructure will not be affected. Ocean State Power asserts that the proposed modifications will not impact wetlands near the site, drainage or ambient noise levels and will not change operation of the facility.<sup>8</sup> Ocean State Power also discussed the importance of balancing resources while clean and renewable sources are reliably integrated into the energy generation mix, or when demand increases in the event of sustained cold-snaps.<sup>9</sup>

After the Petition was docketed, Notice for Comment was published in the Providence Journal on September 1, 2022, posted on the Secretary of State and Public Utilities Commission websites, and emailed to representatives of the Rhode Island Attorney General, the town of Burrillville, the Office of Energy Resources, and the Division of Public Utilities and Carriers. The notice included a detailed description of proposed modifications and provided a deadline of September 16, 2022 for motions to intervene. Although comments were requested to be submitted by September 16, 2022, the notice indicated that they would nevertheless be accepted until the date of decision. No motions to intervene were filed. After receiving no written or oral comments, the Board scheduled the matter for an Open Meeting on October 4, 2022, where it unanimously found that although the modifications were significant, they did not result in a significant impact to the environment or public health, safety, and welfare<sup>10</sup> and the petitioner may proceed with the project without further Board review.

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<sup>8</sup> *Id.* at 11.

<sup>9</sup> *Id.* at 12-14.

<sup>10</sup> All the evidence relied upon by the Board for its decision, as cited in this Order, was contained in the Petitioner's uncontested filing.

R.I. Gen. Laws §42-98-3(b) defines “alteration” as “a significant modification to a major energy facility, which, as determined by the board, will result in a significant impact on the environment, or the public health, safety, and welfare.”

Although the modifications are significant in nature because the generation capacity will increase, the Petition was supported by considerable information and data showing that the impact will be positive. The proposed modifications all take place within the existing footprint of Phase 2 of the facility. Because the proposed modifications only alter the internal components of the facility, there will be no impact to the surrounding environment, including vegetation and/or wildlife. The surrounding community will not be adversely impacted by the work but will realize the positive impacts of a more efficient facility able to generate more electricity while reducing pollutant emissions, lowering overall annual emissions, and decreasing greenhouse gas emissions. The issuance of the minor source air permit by DEM on May 31, 2022 is further support of Petitioner’s assertion that the proposed modifications will have a positive environmental impact. The issuance of the permit also is consistent with the Board’s finding that the proposed modifications do not constitute an alteration. Finally, the annual reduction of greenhouse gas emissions that will result from the modifications is consistent with the objectives of the Act on Climate.<sup>11</sup>

Therefore, it is hereby:

**( 159 ) ORDERED:**

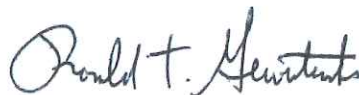
The modifications of certain internal components of the Phase 2 power block as specified above can proceed without further review.

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<sup>11</sup> R.I. Gen. Laws §42-6.2-1 *et seq.*

DATED AND EFFECTIVE at Warwick, Rhode Island, on October 4, 2022, pursuant to an Open Meeting decision of October 4, 2022. Written order issued October 25, 2022.

ENERGY FACILITY SITING BOARD



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Ronald T. Gerwatowski, Chairman



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Terrence Gray, Member

  
Meredith Brady (Oct 25, 2022 08:58 EDT)

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Meredith E. Brady, Member



**NOTICE OF RIGHT OF APPEAL** PURSUANT TO R.I. GEN. LAWS SECTION 42-98-12, ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD MAY, WITHIN TEN (10) DAYS OF THE ISSUANCE OF THIS ORDER PETITION THE SUPREME COURT FOR A WRIT OF CERTIORARI TO REVIEW THE LEGALITY AND REASONABLENESS OF THIS ORDER.