

Frequently Asked Questions – Invenergy Clear River Energy Center

Q: What is the current status of the Invenergy application with the Board to site, construct, and operate the Clear River Energy Center in Burrillville, Rhode Island?

A: Currently, the application is in the advisory opinion period, during which designated agencies work to render advisory opinions to the Board on specific issues identified by the Board at the Preliminary Hearing. This period ends, and advisory opinions are due, on Saturday, September 10, 2016. Because this date falls on a weekend, advisory opinions are due the following Monday, September 12, 2016.

Q: How many public comment hearings will there be?

A: The Board is required to have at least one public comment hearing in Burrillville. The first public comment hearing was held on [March 31, 2016](#). Two more are scheduled for [May 10, 2016](#) and [May 23, 2016](#). The Board will schedule one more public comment hearing during the daytime in Warwick, Rhode Island that will be noticed in the Providence Journal, at least one local paper, the [Secretary of State open meetings website](#) at www.sos.ri.gov/openmeetings, and the Board's docket webpage at www.ripuc.org/efsb/2015_SB_6.html.

Q: How can I submit written public comments to the Board?

A: At any time, written public comments can be mailed to the Board at 89 Jefferson Boulevard, Warwick, Rhode Island, 02888, or can be emailed to the Board's Coordinator at todd.bianco@puc.ri.gov. Please include in a subject line or heading "SB-2015-06 Invenergy Clear River Energy Center Public Comment."

Q: Are any of the docket materials available online?

A: Yes, all docket materials are uploaded as soon as possible to www.ripuc.org/efsb/2015_SB_6.html.

Q: Many have already spoken out for and against the project, why doesn't the Board make a decision now?

A: As provided in The Energy Facility Siting Act, public input is part of the decision making process.¹ There are also other factors that the Board is obligated to consider that are also described throughout the Act. The Board must consider all of these factors, including public comment, before deciding one way or the other on a licensing application.

Q: How many Board Members are required to approve a license?

A: Two Board Members constitute a quorum, which is required for a vote. All Board actions require a majority vote, meaning two Board Members must vote to approve. A single Board Member may conduct a hearing, including public comment hearings, but no vote can occur.²

Q: One Board Member was not present for the Preliminary Hearing and the first public comment Hearing. How can a Board Member hear all of the concerns before voting on the license?

A: A Board Member that participates in the final (evidentiary) hearing can vote on the application.³ A Board member who has not attended any prior hearings will read the transcripts of those hearings and review any evidence submitted prior to voting on the application.

Q: What agencies are rendering advisory opinions?

A. The Board designated twelve agencies to render advisory opinions:

- Public Utilities Commission (PUC)
- Statewide Planning Program
- Office of Energy Resources (OER)
- Department of Health (DOH)
- Department of Transportation (DOT)
- Department of Environmental Management (DEM)
- Historical Preservation & Heritage Commission (HPHC)
- Pascoag Utility District
- Burrillville Planning Board
- Burrillville Zoning Board of Review
- Burrillville Building Inspector
- Burrillville Tax Assessor

Q: Will the carbon emissions reduction targets under the Resilient RI act be considered by the Board?

A: The Board has designated the Office of Energy Resources, in collaboration with the Executive Climate Change Coordinating Council, and with assistance from the Department of Environmental Management, to render an advisory opinion addressing this issue.⁴ Additionally, the Board has designated the Department of Environmental Management to render an advisory opinion addressing, among other things, how the proposed facility will affect compliance with the Regional Greenhouse Gas Initiative emissions cap and the federal Clean Power Plan rule (currently stayed).⁵

Q: Does the state and region need this power plant?

A: The Board has designated the Public Utilities Commission (PUC) to render an advisory opinion as to the need and cost of the proposed facility, with participation from the Office of Energy Resources, the Division of Public Utilities and Carriers, and the Division of Planning.⁶ Information about the PUC's docket to render this advisory opinion can be found at www.ripuc.org/eventsactions/docket/4609page.html.

Q: Water for the plant is proposed to come from a contaminated well; how will that affect drinking water?

A: The Board has designated the Department of Health to render an advisory opinion on the potential impact on the quality of drinking water associated with the construction and operation of the plant.⁷

The Board also designated Pascoag Utility District to render an advisory opinion on the impact of the facility on the water supply and use in the District.⁸ Additionally, the Board designated the Department of Environmental Management to render an advisory opinion regarding the impact of the facility groundwater use on the remediation of the contaminated well.⁹

Q: Who is looking into the traffic that the construction and operation of the plant will cause?

A: The Board has designated the Department of Transportation to consider in its advisory opinion impacts on traffic and road conditions associate with the plant's construction and operation.¹⁰

Q: How will a power plant affect property values?

A: The Board has designated the Burrillville Tax Assessor to render an advisory opinion on how the plant will affect property values of the abutters, and also in Burrillville generally.¹¹

Q: How will the Board address the issue of noise from the plant?

A: The Board has designated the Burrillville Zoning Board of Review to render an advisory opinion regarding whether the facility will be compliant with the Burrillville Noise Ordinance during construction and operation and, if not, whether a variance from the Ordinance should be allowed.¹² The Board also directed the Burrillville Planning Board to include in its advisory opinion if Invenergy will be able to comply with the Ordinance during construction and operation.¹³

Q: Who will review wetlands permits, Clean Air Act permits, Clean Water Act permits, etc.?

A: The Board has broad authority to consider the overall environmental impact of proposed facilities in its findings and decision.¹⁴ However, under the Energy Facility Siting Act, certain licenses are exempt from the Board's actual jurisdiction and authority to issue licenses.¹⁵ The Board found that Freshwater Wetlands Act, Clean Air Act, Clean Water Act, Rhode Island Pollution Discharge Elimination System, and Coastal Resources Management Council permits are all exempt from Board jurisdiction in this docket.¹⁶

Q: When will the Board hold a final hearing?

A: The final hearing has not yet been scheduled. Because of the statutory timeline, the Board expects to hold the hearing in the fall of 2016. Dates will be noticed in advance of the hearings.

Q: When will a final decision be made by the Board?

A: The Board does not have a final decision date. Because the timeline for review is largely statutory, the Board anticipates a decision before February 2017.

This document was prepared by Board staff and is intended for general information purposes only. The information does not convey the opinions or policy of the Board or any Board Member.

Endnotes

1. [EFSA Section 42-98-9.1\(e\)](#)
2. [EFSA Section 42-98-5\(d\)](#)
3. [EFSA Section 42-98-6](#)
4. [See p. 17 of the Order 86](#)
5. [See pp. 14-15 of the Order 86](#)
6. [See pp. 15-16 of Order 86](#)
7. [See p. 16 of Order 86](#)
8. [See p. 17 of Order 86](#)
9. [See p. 14 of Order 86](#)
10. [See p. 14 of Order 86](#)
11. [See p. 17 of Order 86](#)
12. [See p. 13 of Order 86](#)
13. [See p. 16 of Order 86](#)
14. [EFSA Section 42-98-11\(b\)\(3\)](#)
15. [EFSA Section 42-98-7\(a\)\(3\)](#) and [Section 42-98-15](#)
16. [See p. 12 of Order 86](#)