

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's :
APPLICATION TO CONSTRUCT THE : DOCKET No. SB-2015-06
CLEAR RIVER ENERGY CENTER IN :
BURRILLVILLE, RHODE ISLAND :

SURREBUTTAL TESTIMONY OF THOMAS B. HEVNER, P.E., L.S.P.
ON BEHALF OF THE TOWN OF BURRILLVILLE

1 **Q. Please state your name and business address.**

2 A. My name is Thomas B. Hevner, Jr. My business address is 248 Copeland Street, Quincy,
3 MA 02169.

4

5 **Q. On whose behalf are you testifying?**

6 A. I am testifying on behalf of the Town of Burrillville, Rhode Island as an expert witness in
7 the field of environmental and civil engineering on issues related to the proposed Clear River
8 Energy Center (CREC).

9

10 **Q. What is the purpose of your surrebuttal testimony?**

11 A. To respond to the rebuttal testimony, filed on September 1, 2017, of Mr. Bacon, Mr.
12 Feinblatt, and Mr. Hershberger who are witnesses for the Applicant, Invenergy Thermal
13 Development, LLC.

14

15 **Q. Have you reviewed the testimony of Mr. Bacon?**

16 A. Yes

17

18 **Q. What aspect of Mr. Bacon's testimony are you responding to?**

19 A. I am responding to Mr. Bacon's statement pertaining to my August 2017 testimony regarding
20 whether the Town of Johnston Water Plan is the best solution.

21

22 **Q. Do you agree with Mr. Bacon's statement regarding your August 2017 testimony?**

23 A. No. Mr. Bacon references my statement on Page 8 of my August 2017 testimony that "The
24 Water Supply Agreement with the Town of Johnston appears to be adequate to supply the

1 water needs for the CREC.” The word “appears” was used in the executive summary portion
2 of the testimony on Page 3 and not Page 8. On page 8 of my testimony, my statement was
3 “With the reduced process water demand of the project, the local water suppliers may have
4 adequate capacity to provide water to the CREC.”

5
6 I’d like to emphasize that there are serious truck traffic concerns associated with creating a
7 daily trucking supply chain for facility process water especially during the winter, and most
8 especially during oil fired events in the winter when approximately 22 trucks per day will be
9 required to transport water, fuel oil, ammonia, hydrogen, and wastewater. A pipeline is still
10 the preferred method to deliver process water to the proposed CREC facility. With the
11 reduced process water demand for the project and the proposed siting of an on-site water
12 supply well, subsurface conditions should be evaluated to determine whether both process
13 and potable water can be supplied to the facility from an on-site source which would greatly
14 reduce the trucking safety concerns and adverse environmental impacts associated with
15 creating an additional daily supply chain under the currently proposed Johnston Water Plan.

16
17 **Q. Have you reviewed the testimony of Mr. Feinblatt?**

18 A. Yes

19
20 **Q. What aspect of Mr. Feinblatt’s testimony are you responding to?**

21 A. I am responding to Mr. Feinblatt’s statement regarding performing an Environmental Impact
22 Statement (EIS) for the proposed CREC facility.

1 **Q. Do you agree with Mr. Feinblatt’s statement regarding the performance of an**
2 **Environmental Impact Statement (EIS)?**

3 A. No. Mr. Feinblatt states that

4 *“Invenergy considered many factors, including environmental constraints and distance*
5 *to sensitive receptors and concluded that the site selected was the preferred alternative*
6 *for the Project. Because the site was not considered as the preferred alternative for*
7 *one power plant project nearly thirty years ago does not eliminate the potential for it*
8 *to be considered as the preferred alternative for a very different power plant project*
9 *nearly thirty years later.”*

10 Although Invenergy may have considered many environmental factors in its selection of the
11 site, the evaluation was only conducted for the proposed CREC site and other sites do not
12 appear to have been considered for evaluation in the October 2015 EFSB application that are
13 typical in the performance of a standard EIS.

14
15 The heart of an EIS is the alternatives analysis which ensures that the best site is being chosen
16 to minimize adverse impacts to people and the environment. The current CREC facility
17 configuration for the proposed 67-acre parcel site is tight and in my professional opinion,
18 will cause unacceptable impacts to wetlands and wildlife. An EIS should be conducted to
19 ensure that appropriate efforts have been made to select the best site that will minimize
20 adverse impacts to people and the environment.

21
22 I agree with Mr. Feinblatt’s statements concerning the jurisdiction of the U.S. Army Corps
23 of Engineers (USACE) regarding the performance of an EIS, and I recommend that USACE

1 be advised of the concerns of the Town of Burrillville regarding the site selection process.
2 I'd like to know whether the USACE was specifically asked by Invenergy if an EIS would
3 be required for the proposed CREC facility since there was a statement from Mr. Feinblatt
4 indicating that "The USACE did not notify Invenergy in any of the pre-application meetings
5 that an EIS would be required for the Project."
6

7 It is my professional opinion that the EFSB should reject Invenergy's application because of
8 the unacceptable adverse impacts to the environment, but in any event, no permits should be
9 issued for this project until a final EIS determination is made by USACE.
10

11 **Q. Have you reviewed the testimony of Mr. Hershberger?**

12 A. Yes.
13

14 **Q. What aspect of Mr. Hershberger's testimony are you responding to?**

15 A. I am responding to Mr. Hershberger's statement regarding the evaluation of conditions for
16 on-site wells.
17

18 **Q. Do you agree with Mr. Hershberger's statement regarding the evaluation of conditions
19 for on-site wells?**

20 A. No. Additional site-specific information should be collected to determine whether an on-site
21 well field is a viable alternative and whether Mr. Hershberger's assertion is correct that the
22 development of an on-site wellfield consisting of as many as 15 independent wells would be
23 needed to reliably meet the normal and peak seasonal water requirements of the proposed

1 CREC facility. The information presented so far is only a desk top review without specific
2 water supply investigation activities being conducted at the proposed CREC facility. In
3 consideration of trying to avoid the creation of an additional daily supply chain to truck water
4 to the proposed CREC facility for use as process water, a Scope of Work should be developed
5 to investigate conditions at the proposed CREC site. The investigation should include the
6 performance of a geophysical investigation, actual subsurface exploration and evaluation
7 activities, modeling, water quality testing, and evaluation of withdrawal as it pertains to
8 wetlands, surface water, and habitat. If the initial investigation activities demonstrate that
9 obtaining water from an on-site source is viable, then longer term assessment activities
10 should be implemented prior to the issuance of any permits to proceed on the project. This
11 is recommended based on Mr. Hershberger's concern about the difficulty of assessing "the
12 long-term sustainability of any water well system on the site based on the performance of
13 short-term testing."

14
15 **Q. Are the opinions you have expressed in your testimony based upon your education,**
16 **training, experience and the materials you have reviewed to prepare for this**
17 **testimony, and are those opinions all based upon a reasonable degree of certainty or**
18 **probability in your fields of expertise?**

19
20 A. Yes.

21
22 **Q. Does this conclude your testimony?**

23 A. Yes.