

# NO LNG in PVD

January 23, 2017

Grover Fugate, Executive Director  
RI Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879-1900

RE: 2016-10-99, National Grid Fields Points Liquefaction Facility

Dear Mr. Fugate,

“No LNG in PVD” is a growing coalition of residents, community organizations, businesses, churches, health care practitioners, students, educators, and elected officials who oppose National Grid’s plans to build the “Fields Point Liquefaction Facility”. These written comments are compiled and submitted on behalf of all of the individuals and organizations who have signed below. We are also including our general petition to the RI Coastal Resources Management Council (CRMC) and other regulatory agencies (see Appendix A).

There are many reasons that we are opposed to National Grid’s LNG facility; not all of them fall within the scope of CRMC’s regulations and enforceable policies. However, they do provide important background information for CRMC to consider while conducting the federal consistency review of National Grid’s application. The Environmental Justice League of Rhode Island published a position paper in October 2015 (see Appendix B), that goes in depth into issues around potential disasters from LNG liquefaction, environmental racism, climate change, public health, economic inequality, and alternatives to the proposed project.

We also have strong concerns about the existing contamination at the site, with high levels of toxic, hazardous, and cancer-causing substances in the soil and the tidally influenced groundwater. We successfully petitioned the RI Department of Environmental Management (RIDEM) for a Public Involvement Plan (PIP), based on RI’s site remediation regulations.<sup>1</sup> The PIP initiation letter from RIDEM and the full text of the petition is attached as Appendix C. National Grid has ignored multiple requests to hold public meetings about the project and concerns about contamination and community impacts. After RIDEM initiated the Public Involvement Plan process, National Grid decided to no longer go through RIDEM to receive the Short Term Remedial Action Plan (STRAP) soil management permits for construction work on the Fields Point Liquefaction Facility. Instead, FERC will be in charge of oversight and management of the contaminated soils, with National Grid proposing to use a generic 2012 Soil Management Plan which is not intended for the intensive construction activity of this project.

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<sup>1</sup> RI Gen. Laws §§ 23-19.14, Rhode Island Industrial Property Remediation and Reuse Act, (“IPRRA”)

No LNG in PVD recognizes that the controversy around site contamination and which agencies have authority and oversight is more applicable to the regulatory reviews being conducted by FERC and RIDEM. No LNG in PVD submitted an open letter to RIDEM, attached here as Appendix D, which discusses these issues as they directly relate to National Grid's application for a 401 Water Quality Certification and RIPDES Construction General Permit being reviewed by RIDEM. These issues are being raised here, as the introduction to these written comments for the CRMC Federal Consistency Review, because they provide crucial context in two key areas. First, it shows the lack of transparency and lack of goodwill displayed by National Grid with respect to this project, in relation to the general public and impacted communities and even towards another state agency. Second, the issues of site contamination also have the potential to impact areas that are subject to the jurisdiction of CRMC's enforceable policies.

Based on these areas of National Grid's proposed project that are subject to RI's federally approved coastal management program, the primary problems and inconsistencies with the application for the proposed LNG Facility are:

- \* It is not needed: There is not sufficient justification for the need for this facility, and available data does not support National Grid's claim that the facility is needed. Demonstrating need is a requirement under CRMP Section 642-2.2 within the 1978 Energy Amendments.
- \* Climate change and sea level rise: The proposed project goes against the enforceable policies in CRMP Section 145 that require proactively planning for the impacts of climate change and sea level rise.
- \* Cumulative impact: National Grid does not account for the cumulative impact of the project on coastal waters or communities. The application makes the unfounded claim that there are no cumulative impacts, but does not provide any justification or evidence for this claim. There are in fact many cumulative impacts that need to be taken into account, which is one of the criteria required for granting a variance in CRMP Section 120.
- \* Setback requirements: National Grid should be held to the standards set forth in CRMP Section 140, and should not be allowed to do construction including any grading or filling less than 50 feet from the coastline. This is especially important given that there is known contamination that exceeds industrial standards in the soil and the tidally influenced groundwater. The setback requirements need to be enforced, the requested variance denied.

It is abundantly clear that the proposed LNG facility is not consistent with the guidelines and enforceable policies contained within the RI Coastal Resources Management Program (aka the "Redbook"), including the 1978 Energy Amendments. The following sections detail the numerous ways that National Grid's application is inconsistent, incomplete, and should be denied by CRMC under the authority of the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA's implementing regulations at 15 CFR Part 930 Subpart D – Consistency for Activities Requiring a Federal License or Permit.

## Section 120 - Variances

The variance requested by National Grid should be denied and not be granted an Assent because it does not meet all six criteria as required.

- (1) The proposed alteration, along with the overall application, does not conform with the applicable goals and policies in Parts Two and Three of the Coastal Resources Management Program, as is discussed more detail in the following sections. It does not adequately plan for climate change or adapt to sea level rise, and it makes the coastline less, not more resilient. The proposed alteration is not for a water-dependent industry and is not a priority use for Type 6 Industrial Waterfronts. The filling and grading activities create unnecessary risk of releasing contaminants known to be in the soil and groundwater at the site. The proposed facility does not meet the requirements for Energy-Related Activities and Structures and the applicant did not address environmental impacts, social impacts, economic impacts, alternative sites, alternative means to fulfill the need for the facility, demonstration of need, or consistency with state energy policies.
- (2) The applicant does not provide sufficient justification that the proposed alteration would not result in significant adverse environmental impacts, and does not discuss the potential impacts from releasing the known contaminants within the soil and groundwater, such as the potential for vertical migration of contaminants. A major flood event or storm surge during the lengthy construction process could have the potential to wash unknown quantities of contaminated soil into the Providence River, directly across from the East Bay Bike Path. The applicant copied and pasted the phrase from the criteria guidelines “*will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts*” and just changed “will not” to “does not”. However, the applicant provides no justification and does not show any evidence of having taken cumulative impacts into account. The presence of high levels of contamination and hazardous substances at the site is the result of more than a century of industrial pollution and significant negative environmental impacts at the site and at nearby properties. The waters of the Providence River and sediment within Corliss Cove are impaired. The proposed alteration would be an additional construction project which would be adding to the cumulative impacts of a waterfront property which is already degraded and negatively impacts the adjacent communities without providing any benefit such as public access.
- (3) The applicant makes the argument that no other location at the site is suitable, but the project itself is not suitable for the site and does not need to be built.
- (4) The applicant makes the case that alternative locations to set the liquefier farther inland would require additional construction such as additional piping, moving an access road, and further raising the level of the stormwater treatment system. This appears to contradict their statement for the previous criteria, and also appear to be safer options given that raising the level of the stormwater treatment system would better protect it from storm surge or other severe weather events.
- (5) The applicant states that the alteration is not the result of any actions by National Grid LNG or The Narragansett Electric Company, yet the responses given for criteria (3) and (4) detail a list of reasons why the proposed site is the only possible location given the existence and locations of equipment and manmade structures which were built by the applicant and/or its predecessors in title.
- (6) The reasons stated in the applicants response to this criteria do not constitute undue hardship. The guidelines clearly state that “mere economic diminution, economic advantage, or

inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.”

An Assent for a variance should only be granted if all six criteria are met. There are valid questions of whether the applicant met *any* of the criteria, but there are certainly strong concerns on criteria (1) and (2) given the complete lack of justification or discussion around existing contamination and cumulative impacts of the proposed alteration. Therefore, the variance should be denied.

### **Section 140 - Setbacks**

Part B. of Section 140 clearly maintains that setbacks should be maintained, including on existing manmade shorelines, for categories of alterations that include (1) Filling, removal, or grading, except when part of an approved alteration involving a water-dependent activity or structure (Section 300.2), or (4) Industrial structures, commercial structures, and public recreation structures that are not water dependent (Section 300.3).

The proposed liquefier is not water dependent and does not meet the criteria for a variance, so the 50 foot setback should be maintained.

### **Section 145 - Climate Change and Sea Level Rise**

While the applicant acknowledges that climate change and sea level rise will impact the proposed facility, and planned the facility for a height that incorporates 1.5 feet sea level rise and the wave action of a 100 year storm, this is not sufficient to address the enforceable policies of Section 145. In Part C, the policies state that: (*emphasis added*)

- (1) “The Council will review its policies, plans and regulations to *proactively plan for and adapt to climate change and sea level rise*. The council will integrate climate change and sea level rise scenarios into its operations to prepare for these new, evolving conditions and *make our coastal areas more resilient*.”
- (2) The Council’s sea level rise policies are based upon the *CRMC’s legislative mandate* to preserve, protect, and where possible, *restore* the coastal resources of the state through *comprehensive and coordinated long-range planning*.
- (3) “... *the policies of the Council may take into account different risk tolerances for differing types of public and private coastal activities*. In addition, this long term sea level change base rate will be revised by the Council periodically to address new scientific evidence.”

Part of proactively planning for climate change needs to include an especially high level of scrutiny for any new fossil fuel infrastructure which is subject to CRMC’s enforceable policies, especially when the facility is not needed and would lock Rhode Islander’s into using (and paying for) climate change causing fossil fuels for the next 25 years.

Planning for a 100-year storm is no longer sufficient, climate change means increased frequency and intensity of storms. The risk factors and probabilities used to determine what a 100, 500, or 1,000 year storm are no longer valid as more severe storms are happening more frequently. As is noted in the findings of Section 210, the head of funnel shaped embayments like Narragansett Bay are especially susceptible to storm surge. The 1938 hurricane was 13 feet over the mean

high water mark, with waves 10 feet high and more above the storm surge level. CRMP regulations outline a clear mandate to make coastal areas more resilient to climate change, not more high risk. With the proposed facility, the question is not just whether the facility would be submerged, but how a severe hurricane and storm surge could impact a facility that contains complex processes involving hazardous materials. As a storm surge travels up Narragansett Bay it gathers debris from boats, trees, buildings, scraps of metal, etc which then act like battering rams, striking stationary objects in the storm surge path. The Port of Providence sits at sea level and is filled with high risk and vulnerable fossil fuel and chemical facilities. The challenge of making this crucial and highly vulnerable section of coastline more resilient to the impacts of climate change is a tremendous and urgent task. Adding LNG liquefaction would add risk factors and does not improve resiliency.

There is no need for LNG liquefaction in Rhode Island or in New England. National Grid does not demonstrate the need because there is no data to support the claim. Even if there was a need for additional LNG supply, this proposal would not meet that need in the state because it does not change the storage capacity and would not provide any additional LNG beyond what is already available. Finally, even if the proposal did produce additional LNG and if there were a need for it (which there isn't), it would still not be a water-dependent facility and would not have to be placed along the coastline in such a high risk location. These arguments are for illustrative purposes only, given that there is no demonstrated need for LNG liquefaction in the first place.

RI Coastal Resources Management Council is mandated to conduct comprehensive and long-range planning for all coastal waters and adjacent lands, ranging from pristine protected areas to industrial waterfronts. An industrial waterfront does not need to be filled with climate-causing, health risk inducing, hazardous fossil fuel infrastructure. Comprehensive long-range planning around climate change and industrial ports such as the Port of Providence could utilize the industrial waterfront for activities which increase climate resilience and adaptation, promote renewable energy development, and support a Just Transition off of fossil fuels into green industries and green manufacturing that promote responsible and equitable economic development. The Just Transition framework is a long range comprehensive plan, but the immediate first step is to stop building out unnecessary new fossil fuel infrastructure.

### **Section 200.6 Type 6 Industrial Waterfronts and Commercial Navigation**

The proposed liquefier is not dependent on water, is not related to shipping or commercial fisheries, does not require being on lands adjacent to Type 6 waters, and is therefore inconsistent with Section 200.6. Part C states that the Council's policies are:

- (1) The Council's goals for Type 6 waters and adjacent lands under Council jurisdiction are to encourage and support modernization and increased commercial activity related to shipping and commercial fisheries.
- (2) Highest priority uses of Type 6 waters and adjacent lands under Council jurisdiction are: (a) berthing, loading and unloading, and servicing of commercial vessels; (b) construction and maintenance of port facilities, navigation channels, and berths; and (c) construction and maintenance of facilities required for the support of commercial shipping and fishing activities.

The proposed facility is not consistent with any of the priority uses listed. The applicants characterization of the proposal as a modernization of the facility is also inaccurate, and it will not increase the “efficiency” of the existing storage tank. While it’s true that it will replace incoming truck traffic by filling the storage tank with LNG produced on site from the pipeline, National Grid’s application to FERC makes it clear that the purpose of the proposed facility is to be primary source for LNG across National Grid’s network. The liquefier will produce far more LNG than can be stored in the existing tank, and the tanker trucks exporting LNG out to all of the other storage tanks across the region will be equal to, if not greater than, the incoming trucks that currently fill the tank. Actual improvements in efficiency would reduce our demand for the LNG currently stored in the tank, and would therefore reduce the amount of trucks needed to fill it. Instead, the proposed facility would contractually obligate the continued production and export of large amounts of LNG for the next 25 years.

As is addressed under Section 300.8, the facility itself is not needed. Within Section 200.6, it is clear that the the proposed facility does not need to be sited in a coastal area and is not the priority for Type 6 Industrial Waterfronts. In the event of an LNG spill or accident, the proposed facility would severely interfere with activity at nearby water-dependent industries, and could even trigger secondary incidents at other facilities. The Keyspan LNG application for an LNG import facility at this location was denied by FERC due to safety concerns. While it is true that there has never been an accident on an LNG tanker ship, there have been accidents with LNG storage tanks, LNG trucks, and LNG liquefaction facilities, such as the massive explosion in Skikda Algeria which killed 23, injured 74 others, and extended a large distance off site.

An enforceable policy in Section 200.6 says that “The Council shall prohibit activities that substantially detract from or interfere with these priority uses.” The Council would be justified in stating that the proposed facility has the potential to substantially detract from or interfere with other priority uses, and on these grounds should be prohibited.

### **Section 210 Shoreline Features, Section 210. 6 Manmade Shorelines**

Part A of Section 210 acknowledges that storm surge flooding is a principal concern of waterfront property owners, and states: “Storm surge occurs when a combination of low atmospheric pressure and the force of high winds over a large expands of open water cause sea level to rise dramatically along the coast, *particularly at the head of funnel-shaped embayments like Narragansett Bay.*” (emphasis added, due to the fact that this is where the proposed project is located, on the wrong side of the hurricane barrier). It also notes that during the 1938 hurricane, the storm surge in Providence forced water levels 13 feet above mean high water, with waves 10 feet high or more measured on top of the surge level. It goes on to state “such events are not rare; the state has been struck by 73 hurricanes in the past 350 years, 13 of which have causes severe flooding and erosion.” Part B of Section 210.6 indicates that as of 1978, 25% of the Narragansett Bay shoreline has been sheathed in manmade features, but many would not survive a major hurricane.

The applicant states that “the slope protection/armoring has been designed to withstand the 100-year storm event.” This is woefully inadequate, given the noted history of previous hurricane storm surges and the reality of climate change which will bring more frequent and more intense

storms. 100 year storms will happen much more frequently, and unfortunately it is not unlikely that we will experience storm events which are more severe than a 100 year storm.

Section 210.6 Part B-2 also states that “manmade shorelines usually have a major impact on the appearance of the shore, interfere with public access to and along the coast, and may alter erosion-accretion processes on neighboring beaches.” The applicant proposes to conduct construction activity in contaminated soil over an extended period of time, proposes grading and filling to be conducted over a large areas, and is requesting a variance on the setback requirements to engage in these activities within 50 feet from the coastline. Even without a major storm event, the proposed activities do pose a risk to alter erosion-accretion processes on nearby beaches, and must also be considered as significant cumulative impacts on top of the existing impacts of the current manmade shoreline (see comments related to Section 120.2 above).

### **Section 220. Areas of Historic and Archaeological Significance**

Within Section 220, Part B Findings, it is stated that “the coastal zone contains an abundant and diverse number of Native American Indian settlements, some dating back at least 3,000 years. The bulk of the information still to be obtained concerning Rhode Island’s prehistory is associated with sites in the coastal zone.” In Part C. Policies, it states “The Council’s goal is to, where possible, preserve and protect significant historic and archaeological properties in the coastal zone. Preservation of significant historic and archaeological properties is a high priority use of the coastal region. Activities which damage or destroy important properties shall be considered a low priority.”

The applicant does not include Section 220 within the federal consistency review application, and makes no reference to any discussion of potential impact to sites with historic or archaeological significance. However, in National Grid’s application to FERC, under Docket CP16-121, Resource Report 4 Cultural Resources, there is extensive discussion and documentation of archaeological findings.

The Sassafras Point Station, a building on the property which was part of a former manufactured gas plant, had also been under consideration for inclusion on the National Registry as a historic property, though it was later deemed to be to not be eligible due to degradation. National Grid’s archaeological consultant, “Public Archaeology Laboratory” (PAL) determined that coastal areas around the confluence of the Providence and Seekonk Rivers were “optimal conditions for the location of prehistoric settlements” and that “the variety of fresh and saltwater resources close to such areas would have made them attractive to prehistoric groups.” (page 4-4 section 4.3.2).

On December 13th 2016, Neesu Wushuwunoag, Pomham Sachem of the Mashapaug Nahaganset Tribe, submitted a letter to the RI Department of Environmental Management expressing the Tribe’s opposition to National Grid’s LNG facility. The letter, included in full as Appendix E, states in part:

*“In section 4.5.2 Native American Context and section 4.5.2.1 Documented Native American Archaeological Sites in the Vicinity of the Project Area of the FIELDS POINT LIQUEFACTION PROJECT ENVIRONMENTAL REPORT RESOURCE REPORT NO. 4*

submitted by National Grid LNG, LLC in March 2016 it is acknowledged that the lands slated for development have been the habitation of Aboriginal peoples for thousands of years prior to European contact and that at least 6 sites containing aboriginal artifacts are located near the proposed FPLNG project. As such the Tribe is particularly concerned that no effort was made to engage specifically with the Mashapaug Nahaganset Tribe, the ancestral inhabitants of these lands, to gauge concerns about these projects or to seek approval to move forward with these initiatives on lands that are held in trust by the Tribe.”

“Further be advised that should the State of Rhode Island, any of its arms and/or extensions or any private commercial entity attempt to move forward with these projects without the expressed written consent of the Mashapug Nahaganset Tribe Ahtuskowoag Circle, the Tribe will proactively pursue any and all actions deemed appropriate to safeguard the integrity of its ancestral lands for the protection and support of its posterity and all natural inhabitants and residents of the lands of Rhode Island.”

The applicant’s lack of inclusion of any discussion of Areas of Historic and Archaeological Significance under Section 220 is evidence of an incomplete application and part of the grounds to deem the application inconsistent with the regulations and enforceable policies.

### **Section 300.1 Category B Requirements**

National Grid’s proposed project requires a Category B Assent under Section 300.1 Category B Requirements, which requires applicants to address each of eleven (11) topics in writing along with additional requirements listed for specific Category B activities and alterations in following sections (Sections 300.2, 300.3, 300.6, and 300.8). In addressing the 11 required topics for a Category B Assent, National Grid includes only a simple paragraph with 11 sentences, and does not sufficient address or demonstrate what is required, especially with topics 1, 2, 8, 9, 10, or 11:

#### 1. Demonstrate the need for the proposed activity or alteration;

National Grid wrote that “the proposed liquefaction facility capacity has been fully subscribed by customers and enhances the use of the LNG facility and promotes economic growth.” The customers National Grid refers to are Narragansett Electric Company and Boston Gas Company, both of which are National Grid subsidiaries. National Grid having a contract with itself does not constitute a need, and increased profitability for a private utility corporation does not equal economic growth, especially when ratepayers will be the ones paying for the entirety of the construction. National Grid does not demonstrate the need for the facility because it is not needed.

#### 2. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; **local approvals are required for activities as specifically prescribed for non tidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8 (etc)**

National Grid wrote that the project will require FERC approval and will adhere to federal standards. This has not yet been determined, and a 2005 FERC ruling on the Keyspan LNG import facility proposal deemed that the existing storage tank did not meet federal safety standards. Furthermore, National Grid did not demonstrate that local standards have or will be



met, and does not demonstrate local approvals. In fact, National Grid has expressly refused to abide by RI's Public Involvement Plan requirements as stipulated in RI Gen. Laws §§ 23-19.14, Rhode Island Industrial Property Remediation and Reuse Act, ("IPRRA") and is no longer seeking RIDEM approval of Short Term Remedial Action Plans (STRAPs) for construction activities in the contaminated soils. Finally, Mayor Jorge Elorza has expressly opposed the facility and will not be granting any local approvals.

8. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

National Grid's response discusses stormwater runoff but does not mention potential risks of runoff from contaminated soil or the potential for vertical migration of contaminants from the polluted and tidally influenced groundwater known to be present on the site. These are issues and concerns that have been brought before DEM, which has not yet released a public notice for the review of National Grid's 401 Water Quality Certification or RIPDES permit.

9. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

As described above, National Grid did not include any discussion on Section 220 previously in the application, and similarly failed to respond to the requirement to address this topic in writing under Section 300.1. With no answer given, National Grid clearly failed to demonstrate no significant impact.

10. Demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

National Grid does not respond to this topic in writing and fails to demonstrate that the proposed facility will not result in significant conflicts with the water-dependent uses and activities listed. The written comments in response to Section 200.6 above show that the facility is not water-dependent and that there is the potential to conflict with other water-dependent uses.

11. Demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).

National Grid also does not respond in writing to this topic and fails to demonstrate any measures taken to minimize the adverse scenic impact of the facility. Section 330 states that "In all areas adjacent to Type 3 and Type 5 waters and, where appropriate, adjacent to Type 6 waters, the public should, where possible, be provided a sense of the water from within the townscape. Views to and across the water through yards, between houses, and from roadways should be preserved and, where possible, created." There is no public access around the existing or proposed LNG facility, and the existing industrial infrastructure significantly blocks views of the water. The lack of waterfront access and public use of the coastal waters in South Providence stands in stark contrast to the ample waterfront views and activities available in downtown Providence, Fox Point, East Side Providence, and Blackstone Boulevard. The demographic differences, disparities, and lack of equity between these neighborhoods is part of what could be considered environmental racism or at least an socio-environmental disparity. National Grid does not acknowledge this, does not take any steps to minimize or mitigate the adverse scenic

impacts of their existing or proposed facility, and does not even take the time to respond to this required topic even if only to reject and dismiss it.

Based on the above comments for the required written comments and demonstrations in response to topics 1, 2, 8, 9, 10, and 11, No LNG in PVD believes that CRMC needs to deny National Grid's request for a Category B Assent. While there are additional comments to be made about inadequacies in National Grid's application under Sections 300.2, 300.3, and 300.6, the additional requirements listed in these specific Category B activities are effectually irrelevant because the applicant did not meet the basic demonstration requirements for a Category B Assent in the first place.

### **Section 300.8 Energy-Related Activities and Structures**

As an energy related (generation, transfer, processing, or storage) activity, the proposed LNG liquefier is a Tier 3 facility under CRMC's Federal Consistency Manual, and is subject to additional requirements under Section 300.8 as well as the 1978 Energy Amendments to the Rhode Island Coastal Resources Management Program, discussed below. As was discussed in written comments responding to previous sections (Section 145, Section 210, and Section 210.6), National Grid's proposal does not adequately prepare for flood hazards when considering the potential for the combination of accelerating sea level rise, massive storm surge, and additional wave action on top of the storm surge level. The fact that the facility is a high risk energy facility compounds the risk, which also must be taken into the context of the surrounding area which contains numerous other high risk energy-related facilities. The proposed facility is also adjacent to a high risk chemical facility which stores seven (7) different substances regulated under the EPA's Risk Management Program (RMP), at quantities which are orders of magnitude above the trigger level that induces RMP regulations.

Under Part D. Additional Category B Requirements for Section 300.8, it states: "Shorefront sites shall demonstrate the need for access to navigable waters for cooling and/or process water." National Grid does not address or demonstrate this need; the facility is not water-dependent and does not need to be cited along navigable waters. The applicant also does not address or discuss the additional requirements of: "(a) environmental impacts, (b) social impacts, (c) economic impacts, (d) alternative sites, (e) alternative means to fulfill the need for the facility, (f) demonstration of need, and (g) consistency with state and national energy policies."

## **CRMP 1978 Energy Amendment, as amended February 23rd, 1982**

### **Section 610.2 - Siting of Energy Facilities**

Under the Policies and Regulations of Section 610.2-2 of the CRMP 1978 Energy Amendment, applicants such as National Grid are given the following requirements:

B. Applicants shall be further required to demonstrate by reliable and probative evidence that:

1. Alternative sites have been considered and rejected for environmental, economic and/or operational reasons.
2. Construction and/or operation will be in conformance with all applicable environmental standards, guidelines and objectives.

3. Siting will not cause secondary developments that are inconsistent with the State Guide Plan or approved municipal master plans.
4. Operation will not degrade aquifers or water bodies utilized for public water supply, and
5. Adequate procedures for the safe transport and/or disposal of products, materials and/or wastes hazardous to land or the coastal environment will be taken, including emergency containment and cleanup.

C. Applicants shall be further required to demonstrate by reliable and probative evidence that:

1. There is a need for the proposed facility, and
2. Impacts on public service requirements and in-state employment opportunities have been identified and considered.

D. Where on the basis of such evidence and/or demonstrations the Council finds a reasonable probability of noncompliance with any applicable Policy or Regulation, including B and C above, it shall require appropriate modification of or shall deny the application in question.

In response to requirement B-1, National Grid only states that “Constructing the liquefaction facility in an alternative location would require additional pipelines and land disturbance.” There is no evidence provided of this, and no specific alternative sites were discussed or dismissed.

Under B-2, these written comments previously discussed how National Grid is not operating in conformance with applicable statewide environmental standards (RIDEM Site Remediation regulations).

In response to requirement B-5, National Grid only states that “the operation of the liquefaction facility will not result in the production of hazardous wastes at the facility” yet fails to discuss plans related to the safe management of the various hazardous wastes known to exist on site in the soil and groundwater.

National Grid fails to mention or respond to requirement C-1 and does not demonstrate the need for the proposed facility at all, let alone with reliable and probative evidence. This is because there is no evidence available to support the claim that the facility is needed. On these grounds alone, the application should be dismissed and deemed inconsistent. Instead of addressing or discussing this fundamental weakness of the application, National Grid makes vague claims such as “the proposed liquefaction facility will support and maintain the public welfare and the state’s economy,” and tries to focus attention on requirement C-2 stating that “the construction and operation of the liquefaction facility will create in-state employment opportunities.” This does not address the fundamental fact that National Grid did not and can not demonstrate need for the facility. An equivalent investment of ratepayers dollars into weatherization and energy efficiency, especially for low-income tenants living in rental properties, would do far more to create in-state employment opportunities and improve public welfare and the state’s economy.

Based on the failure to address requirements in both Part B and Part C of Section 610.2-2, noncompliance has been demonstrated and CRMC has the authority to deny the application in question according to Part D.

## **Section 640.2 Storage and Processing of Liquefied Gases**

This section of the Coastal Resources Management Plan refers to the potential for proposals to import LNG via tanker ships into the Port of Providence. This was in fact proposed with the Keyspan LNG proposal over a decade ago, and was determined by FERC in 2005 to be unsafe. CRMP regulations to not discuss the potential for LNG liquefaction from domestic sources, which is only made possible due to the massive boom in domestic gas production levels which was brought about due to fracking.

The CRMP guidelines in Section 640.2 do acknowledge the risks and dangers related to LNG, stating: “As with other forms of highly concentrated energy, special scrutiny must be given to the location, design and operation of LNG/LPG facilities. Accidental releases of LNG could pose a public safety hazard” (640.2-1, Part C) and “little research has been completed on the long term environmental effects of an accidental release of LNG.” (640.2-1, Part F) It states:

“Should LNG accidentally spill on land or water it vaporizes rapidly forming a cold plume of flammable natural gas. If ignited quickly, LNG pools burn as very intense fires in a manner similar to gasoline. If ignition does not occur quickly, a flammable (explosive if confined) vapor plume may be carried downwind until a source of ignition is encountered or until the gas vapor-to-total volume is less than 5%.”

Under Policies and Regulations, Section 640.2-2, it is clearly stated that

“Applicants for such a permit shall be required to meet all permit and regulatory requirements set forth under Section 610.2-2, and to further demonstrate by a fair preponderance of evidence that facility siting and operation will be consistent with preservation of the health and safety of nearby populations.”

Given the hazards inherent to LNG, and the following factors that risk the health and safety of nearby populations, including the:

- Risk of spill, leak, fire, or catastrophic vapor cloud explosion;
- Risk of placing a liquefaction facility (which is not water-dependent) in a coastal zone with expected sea level rise and potential for storm surge impact unmitigated by any hurricane barrier;
- Risk of placing a liquefaction facility adjacent to other high risk facilities including a chemical facility with very large quantities of hazardous substances regulated under the EPA’s Risk Management Program;
- Risk of cumulative impacts being disproportionately carried by an Environmental Justice community which is already subject to numerous environmental hazards, socioeconomic inequalities, and health disparities;
- Risk of siting a liquefaction facility within close proximity of a federally qualified health center and the state’s primary birthing center, children’s hospital, and level one trauma center hospital;
- Risk of construction activity releasing known contaminants in the soil and groundwater which include, but are not limited to: complex mixtures of different polycyclic aromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPH), phenolic compounds, volatile organic compounds (VOCs) including benzene and naphthalene,

polychlorinated biphenyls (PCBs), ferri and ferrocyanide compounds, asbestos, and metals including lead and arsenic; with many locations in the site containing multiple hazardous substances at levels that exceed industrial allowances;

- Risk of expanding upon an old and oversized storage tank which was built in the 1970s and which was deemed not up to current safety standards in the 2005 Keyspan LNG decision;
- Risk of building out unnecessary new fossil fuel infrastructure when climate science demands a rapid transition to renewable energy;

It is thereby clear that the siting and operation of the facility will not be consistent with the preservation of the health and safety of nearby populations.

### **Section 400 Federal Consistency Review**

Based on the sum total of all the individual issues, omissions, inaccuracies, and inconsistencies contained in the application and proposed facility, and raised within these written comments, the required response from the Rhode Island Coastal Resources Management Council is clear.

**National Grid's proposed Fields Point Liquefaction Facility is not consistent with Rhode Island's federally approved Coastal Resources Management Program.**

Signed,

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**Appendix A: [No LNG in PVD Petition](#)**

**Appendix B: [Position Paper](#)**

**Appendix C: [Public Involvement Plan Petition](#)**

**Appendix D: [No LNG in PVD Open Letter to RIDEM](#)**

**Appendix E: [Mashapaug Nahaganset Tribe letter to RIDEM](#)**