



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

16 March 2011

Michele Leone, Manager
New England Site Investigation and Remediation Program
National Grid
40 Sylvan Road
Waltham, MA 02451

Dear Ms. Leone:

The Department of Environmental Management's Office of Air Resources (OAR) has reviewed National Grid's 12 January 2011 response to our request for information regarding activities National Grid performed at its former Tidewater Site in Pawtucket, RI. In this response, National Grid maintains that Air Pollution Control Regulation No. 9 is not applicable to the types of activities that occurred at the Tidewater site and that potential emissions from these activities cannot be quantified. The OAR disagrees on both points.

On the issue of applicability of APC Regulation No. 9, National Grid maintains that the activities at the Tidewater site were non-routine, short-term construction, maintenance and cleaning activities for which the Department has not required a preconstruction permit in the past and cites several examples of these types of pollutant-emitting activities where no permit has been required in the past.

The OAR maintains that that neither the definition of a "facility or stationary source" or APC Regulation No. 9 provides for any exemption from the applicability of the regulation due to the duration of the pollutant-emitting activity or the nature of the pollutant-emitting activity. Furthermore we can cite at least three examples of site remediation activities that were non-routine and short-term for which preconstruction permits were required, reviewed and issued:

- Providence Gas Company: Approval Nos. 1537-1545 issued on 9 May 2000 for site remediation activities at 642 Allens Avenue, Providence. The remediation activities included the excavation of contaminated soils and former MGP subsurface structures containing waste material and on-site processing of the soil and waste to ready the material for either off-site disposal or on-site re-use.
- Strawberry Field Estates: Approval No. 1776 issued on 14 October 2003 for site remediation activities at 333 Strawberry Field Road, Warwick. The remediation activities included the



excavation of contaminated soils and on-site treatment for either off-site disposal or on-site re-use.

- Clariant Corporation: Approval No. 1913 issued on 29 September 2006 for site remediation activities at 500 Washington Street, Coventry. The remediation activities included excavation of contaminated soils and on-site treatment for re-use.

On the issue of quantifying emissions, OAR maintains that potential emissions from site remediation activities can be estimated and quantified. In each of the projects cited above, air pollutant emissions from the remediation activities were quantified and evaluated in the permit review process. Additionally there have been other site remediation projects where the project sponsor quantified emissions associated with a site remediation project and it was determined that the permitting thresholds in APC Regulation No. 9 were not exceeded and no permit was required.

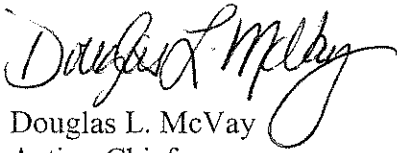
The USEPA has published several documents that provide guidance for estimating emissions from site remediation activities including the following:

- EPA-450/1-89-003, "Air/Superfund National Technical Guidance Study Series, Volume III- Estimation of Air Emissions from Cleanup Activities at Superfund Sites", January 1989.
- EPA-450/4-90-014, "Air/Superfund National Technical Guidance Study Series, Development of Example Procedures for Evaluating the Air Impacts of Soil Excavation Associated with Superfund Remedial Actions", July 1990.
- EPA-450/1-92-004, "Air/Superfund National Technical Guidance Study Series, Estimation of Air Impacts for the Excavation of Contaminated Soil", March 1992.
- EPA-451/R-93-001, "Air/Superfund National Technical Guidance Study Series, Models for Estimating Air Emission Rates from Superfund Remedial Actions", March 1993.

Therefore based on the Department's regulations and its past practices, we maintain that APC Regulation No. 9 is and were applicable to the pollutant-emitting activities that took place at the Tidewater site. If, in the future, National Grid plans to conduct a site remediation project, the Department's position is that you must quantify the emissions from each pollutant-emitting activity that will take place during the project and determine if any of the applicability criteria in APC Regulation No. 9 are met or exceeded. If the applicability criteria are met or exceeded, National Grid must apply for and obtain either a minor source permit or a major source permit prior to undertaking the pollutant-emitting activities.

If you wish to discuss this matter further or have any questions, feel free to contact me. I can be reached at 401-222-2808, extension 7011.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas L. McVay". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas L. McVay
Acting Chief
Office of Air Resources

cc via e-mail: Terry Gray
Kelly Owens
Joseph Martella
John Hartley – GZA
Michael North – GZA
Jim Clark – GZA
Robin Main