

# NO LNG in PVD

April 24, 2017

The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, D.C. 20426

**RE: National Grid LNG LLC  
Fields Point Liquefaction Project  
Docket No. CP16-121-000**

Dear Secretary Bose,

No LNG in PVD is a growing coalition of individuals, organizations, and elected officials that are opposed to National Grid LNG, LLC (“NGLNG”) proposed Fields Point Liquefaction Project (hereafter “Project”). The No LNG in PVD Coalition (hereafter “Coalition”) is submitting these comments to Docket Number CP16-121 in response to recent changes and developments related to the project. The comments are based on three areas of concern: 1) Public Involvement Plan and Contaminated Soil; 2) Recent accidents and safety issues; 3) Dropping plans for the Bund Wall safety enhancements.

The Coalition represents all of the individuals who have signed the online petition<sup>1</sup> (1,532 people to date) as well as 17 elected officials and 35 community groups, faith-based organizations, businesses, governmental unions and offices, and coalitions that have formally endorsed the Coalition (see attached for full list). In addition, Environmental Council of Rhode Island, a coalition of 62 environmental organizations in Rhode Island, has also voted to officially oppose the Facility - see attached for the ECRI statement, which was approved October 3, 2016.

The No LNG in PVD Coalition is not an official Intervenor because it was formalized after the Intervenor filing period had passed, but it has standing in these proceedings due to having three lead member organizations that are recognized as Intervenor: BASE: Burrillville Against Spectra Expansion, The Environmental Justice League of Rhode Island, and The FANG Collective. The Coalition submits these comments on behalf of organizational and individual members who are recognized Intervenor, and requests that these comments be considered part of the record and duly considered in the review of the Certificate application by National Grid LNG for the Fields Point Liquefaction Facility (Docket CP16-121).

## **1) Public Involvement Plan and Contaminated Soil**

The Coalition appreciates that the Commission has been proactive in responding to concerns raised about soil contamination at the project site, with the questions posed to NGLNG in the 11/17/2016 data request, the 1/17/2017 letter to the Rhode Island Department of Environmental

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<sup>1</sup> <https://actionnetwork.org/petitions/no-lng-in-pvd>

Management (“RIDEM”), and the recent 4/7/2017 letter and data request to NGLNG. In particular, the Coalition’s longstanding stance has been validated by the fact that the most recent April 7th data request confirms that the 2012 Soil Management Plan is insufficient and that NGLNG should abide by RIDEM regulations under Rhode Island law including the STRAP and Public Involvement Plan.

NGLNG’s determination to avoid public involvement and refusal to adhere to Rhode Island state law regulations has been consistent throughout this process and especially since community members within our Coalition initiated the Public Involvement Plan in September 2016. This blatant disregard for legitimate concerns and relevant regulations is evident in NGLNG’s April 12, 2017 response to the April 7 data request. With this response, NGLNG is refusing to comply with the approach agreed upon by both FERC and RIDEM. NGLNG is also ignoring the January 17, 2017 letter from Ann Miles, Director of FERC’s Office of Energy Projects, to Susan Forcier at RIDEM, which clarifies that while federal preemption applies for construction and operation of approved facilities, applicants for new facilities should cooperate with state agencies. The Coalition agrees with the Commission’s assessment that the State of Rhode Island has the authority, ability, and obligation to deal with environmental issues raised in this proceeding, and NGLNG’s ongoing attempts to skirt the State’s authority is disturbing.

The Coalition has been in communication with RIDEM since initiating the Public Involvement Plan process in September 2016. Numerous complaints about ongoing construction activities and exposed soil were made in September and October 2016 (see Appendix at end for details). Written communications from the Coalition to RIDEM are attached to this letter as documentation to be included in this Docket, and to be taken into consideration in the preparation of the Environmental Document. See attached for:

- ▶ August 31, 2016 Public Involvement Plan Petition to RIDEM
- ▶ September 6, 2016 RIDEM PIP Initiation Letter
- ▶ November 1, 2016 No LNG in PVD open letter to RIDEM
- ▶ February 10, 2017 No LNG in PVD follow up letter to RIDEM

In addition, concerns over soil and groundwater contamination were raised in comments submitted on January 23, 2017 to RICRMC as part of the federal consistency review, and are also attached for inclusion in the Docket and for consideration in the preparation of the Environmental Document.

The Coalition considers these issues and the environmental and health risks entailed to be serious environmental impacts, which should warrant a full Environmental Impact Statement and not a limited Environmental Assessment. NGLNG’s attempt to avoid oversight and minimize these issues is highly problematic. NGLNG’s December 7, 2016 response to the FERC data request issued November 17, 2016 is emblematic of an attempt to disregard the extensive amount of data which must be reviewed. While FERC requested “all supporting documentation, of surficial and subsurface investigations to delineate the horizontal and vertical extent of soil and groundwater contamination and all remedial actions conducted to remove and/or contain contaminants at the Project site,” NGLNG did not submit the required documentation. Their justification for not sharing the full information stated that “the supporting documentation for these investigations is voluminous and contained in multiple binders that take up a full bookcase shelf and/or a full file drawer. The majority of this documentation consists of paper copies and has not been converted to electronic files.” In fact, this shows the extent of the data that needs to be reviewed related to the contamination, and is in itself justification of significant impact and the requirement for a full EIS.

## **2) Recent accidents and safety issues**

Commission staff should be aware of two recent accidents that made national news and are relevant to the review of the proposed project. In the early morning of March 8th 2017, an ethanol train being delivered to the Motiva terminal derailed onto Allens Avenue, adjacent to National Grid's property.<sup>2</sup> Luckily it occurred during a low-traffic time and did not spill, but Allens Ave is a very busy four lane road with industrial, commuter, and residential traffic. If the train car had tipped to the side instead of falling forward onto the street, it would have fallen on the fuel lines connected to all of Motiva's storage tanks at the point where they cross underneath Allens Ave. The location of National Grid's existing LNG tank and proposed liquefaction facility is directly abutting the Motive property. Following the accident, the No LNG in PVD Coalition along with The FANG Collective, The Environmental Justice League of RI, and the Sierra Club - RI Chapter issued a press release<sup>3</sup> about the concentration of high risk hazardous facilities and environmental justice issues in the Washington Park neighborhood. These issues have been raised in previous comments to the Commission, but it is worth emphasizing that the Port of Providence area and the proposed LNG facility is located in the Washington Park residential neighborhood with a 6,300 people/sq mile density, just over 1 mile from RI Hospital and 2 miles from downtown Providence's financial, business and commercial center.<sup>4</sup>

A few weeks later on March 29th, there was a major gas leak following a rupture on a National Grid high pressure line that lasted for over 3 hours before it could be shut off, and resulted in the closure of the major interstate highway I-195 due to a visible gas cloud and risk of ignition.<sup>5</sup> It was determined that the major accident, that would have been catastrophic if an ignition source was present, was caused by construction work on the property done by Spectra Energy.<sup>6</sup> The rupture occurred at National Grid's Franklin Square station at the intersection of Eddy Street and Allens Ave, just a few hundred feet away from the state's major hospital complex and close to the Manchester Street power plant. Following the incident there were protests in front of National Grid's existing facility on Allens Ave<sup>7</sup> and the No LNG in PVD Coalition issued another press release calling for an end to the proposed Fields Point liquefaction facility.<sup>8</sup> It has since been reported that the line rupture resulted in contaminating the surrounding site with PCBs, black powder, and oil products, rendering it a hazmat site.<sup>9</sup>

These recent developments serve to highlight the concerns and support the claims made by opponents of the proposed Fields Point Liquefaction Facility, which have been raising since the project was announced and scoping comments were requested. There is an overburden of risks and environmental justice issues due to the high concentration of existing facilities in the area. These incidents illustrate the existing conditions upon which the proposed facility would add an additional cumulative impact. It also shows that despite all of National Grid's claims, accidents do indeed

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<sup>2</sup> <https://www.usnews.com/news/best-states/rhode-island/articles/2017-03-08/police-train-carrying-ethanol-derailed-in-providence>

<sup>3</sup> <http://www.rifuture.org/after-ethanol-train-accident-activists-call-for-an-end/>

<sup>4</sup> <http://www.city-data.com/neighborhood/Washington-Park-Providence-RI.html>

<sup>5</sup> <http://www.providencejournal.com/news/20170330/officials-construction-caused-gas-line-rupture-in-providence>

<sup>6</sup> <http://www.providencejournal.com/news/20170329/gas-line-rupture-in-providence-closes-route-195-city-streets--video>

<sup>7</sup> <http://wpri.com/2017/03/30/environmental-groups-protest-at-national-grid-facility-following-gas-leak/>

<sup>8</sup> <http://www.rifuture.org/nolnginpvd-end-liquifaction/>

<sup>9</sup> <http://www.rifuture.org/pipeline-rupture-remediation/>

happen and they are more likely to happen along Allens Avenue. LNG tankers and construction traffic would be transiting along Allens Avenue where the ethanol derailment occurred. Construction to install the electrical line to power the liquefaction facility would occur along Allens Ave. That proposed construction would begin with installing new electrical equipment at the same Franklin Square station where the massive gas rupture just occurred. Construction activity was what caused the recent rupture, which raises concerns about additional construction activities at the site. The site of the proposed liquefaction facility, similar to the Franklin Square substation, in that it is a connection point between a Spectra Energy high pressure transmission line and the National Grid distribution system. The recent accident raises many additional concerns about the risks of construction activity and pile driving at such a location. If the recent gas leak had occurred at or near the existing LNG storage tank, the results could have been much worse.

### **3) Dropping plans for Bund Wall safety enhancements**

On March 10, 2017 the Commission issued an environmental information request to NGLNG about the proposed bund wall project, and raised some important questions about the project's design and safety during construction, including: how panels would be secured; whether the LNG tank would remain cold with inventory (LNG) inside or if it would be emptied during construction; how the existing "LNG tank, piping, equipment, and instrumentation would be protected from damage during the bund wall construction activities including pile installation." The No LNG in PVD coalition shared many of the same concerns and would have pressed for extensive review and public involvement with plans to build the bund wall. However, on March 16, 2017 NGLNG replied and said that "NGLNG is currently reevaluating the design of the Bund Wall Project and does not now expect to proceed with construction of the Bund Wall Project at the same time as the FPLP given the time needed for the reevaluation of the Bund Wall Project."

The removal of the plans for the bund wall is especially concerning now, given the recent nearby incidents. The existing tank is also at sea level, on the wrong side of the hurricane barrier, and vulnerable to storm surges. The tank was brought into service in 1974 and has been in operation for over 40 years. When it was built, what was the expected lifespan for the facility? In 2005, Keyspan LNG's (now NGLNG) proposal to build an LNG import terminal at the site was rejected by the Commission due to the fact that existing storage facility, impoundment, and facility site did not meet DOT safety standards for LNG import facilities.<sup>10</sup> In particular, this was because the existing storage tank did not have an impoundment that would fit 110% of the tank's capacity, which was one of the primary items that the formerly proposed bund wall was supposed to address. According to to January 24, 2005 filing by Keyspan LNG<sup>11</sup>,

"KeySpan contends that in order to bring its facility into compliance with current safety standards, it would need to make the following major modifications: (1) replace anchors, possibly increase inner tank annular plate thickness and width, and replace or increase foundation for seismic requirements; (2) install in-tank pumps and eliminate bottom penetrations to reduce flammable vapor exclusion zones; (3) increase impoundment capacity; (4) add pressure and vacuum relief valves; and (5) acquire legal control of eight adjacent industrial properties for thermal exclusion zones. KeySpan asserts that the cost of

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<sup>10</sup> Order Denying Authorization Under Section 3 and Dismissing Certificate Application (Issued July 5, 2005). Dockets CP04-223, CP04-293, and CP04-358. <https://www.ferc.gov/whats-new/comm-meet/063005/C-3.pdf>

<sup>11</sup> *ibid*

these modifications would exceed \$35 million and require the removal of the LNG storage facility from service for two to three heating seasons. Based on these findings, KeySpan contends that it would not be feasible for the existing facility to meet the federal safety standards.”

One decade later, the same company (now acquired by National Grid) returned with a new plan to expand the facility. This time, the proposal was combined with an \$80 million enhancement to the existing storage tank that was designed for it to meet the safety standards that were the cause of the previous rejection. However, after receiving a few questions about whether the construction of the proposed safety enhancement could be done safely, and whether the storage tank would be taken out of service while undergoing construction, the applicant is once again deciding to not comply with federal safety standards. This is ample justification for the Commission to deny authorization, as it did in 2005. Within the current phase of the review process, this also serves as yet another reason to conduct a full Environmental Impact Statement and review these safety concerns in greater depth.

The cancellation of the bund wall component is a major change in the design and plans for the proposed facility, and it should require having National Grid re-do all the hazard analyses and thermal exclusion zones based on this change. Given the recent rupture and gas leak at a nearby National Grid facility, a thorough analysis must be conducted of the worst case scenario. Worst case scenarios should include catastrophic failure at both the liquefaction facility and the existing storage tank, as well as any potential offset impact or hazard resulting from neighboring facilities such as the Univar chemical plant or the neighboring Motiva facility where the ethanol trail derailed.

## **Conclusion**

In closing, the No LNG in PVD Coalition re-asserts the request that the Commission undertake a full Environmental Impact Statement instead of the limited Environmental Assessment. This echoes previous requests by Providence Mayor Jorge Elorza, multiple members of the Rhode Island legislature, organizations and individual residents. The combination of issues related to: 1) soil contamination; 2) recent accidents and concerns around risks and cumulative impacts; and 3) removal of the bund wall project are each ample justification to show the potential for significant impact and require a full EIS.

The Coalition also affirms the Commission’s position that RIDEM has authority and responsibility to enforce regulations and policies applying to contaminated sites with land use restrictions such as the entire property upon which the proposed facility would be sited. No LNG in PVD will be contacting RIDEM to follow up on the two previous open letters, and to inquire about the agency’s plan for implementing the Public Involvement Plan and reviewing the requests for the required STRAP permit and 401 Water Quality Certification.

Sincerely,



Monica Huertas, Campaign Coordinator  
On behalf of the No LNG in PVD Coalition  
[NoLNGinPVD@gmail.com](mailto:NoLNGinPVD@gmail.com)

**Attached:**

No LNG in PVD Coalition members and supporters  
Environment Council of Rhode Island statement  
August 31, 2016 Public Involvement Plan Petition to RIDEM  
September 6, 2016 RIDEM PIP Initiation Letter  
November 1, 2016 No LNG in PVD open letter to RIDEM  
January 23, 2017 No LNG in PVD comments to RICRMC  
February 10, 2017 No LNG in PVD follow up letter to RIDEM

CC: Docket CP16-121 Intervenor List  
Susan Forcier, RIDEM  
Janet Coit, RIDEM  
Terry Gray, RIDEM  
Ron Gagnon, RIDEM  
Ernie Panciera, RIDEM  
Joseph Martella, RIDEM  
Craig Roy, RIDEM  
Grover Fugate, RICRMC

**APPENDIX:**

The following is documentation of construction activity occurring at the site of the project location that was related to preparations for the proposed liquefaction facility, as well as documentation of recent accidents in the area.

**September 24, 2016:**

Construction was visible on the site, in areas with known contaminated. A sign identifying the Fields Point Soil Management Area pointed towards piles of exposed soil, which had visible dust blowing off of them. Community complaints about the ongoing construction, and calls for it to be halted until a Public Involvement Plan was in place, were ignored.<sup>12</sup>



<sup>12</sup> September 27, 2016: “No LNG in PVD demands National Grid halt construction at Fields Point: <http://www.rifuture.org/nolnginpvd-halt-construction/>

**October 13, 2016:**

As documented in an article on RI Future,<sup>13</sup> after NGLNG denied that the ongoing construction work at the site had anything to do with the Fields Point Liquefaction Project, and ignored the Public Involvement Plan request and concerns about conducting construction activity in contaminated soils, the following sign was posted on Terminal Road at the project site.

National Grid's application states that they were expecting to receive all necessary approvals in August 2016 and beginning construction in September 2016. The No LNG in PVD Coalition believes that despite not receiving *any* of the required approvals, National Grid still started construction on work related to the liquefaction facility, while attempting to call that work unrelated.



<sup>13</sup> October 14, 2016: “Even National Grid’s Contractor doesn’t seem to know what’s going on in Fields Point” <http://www.rifuture.org/national-grid-contractor/>



**March 8, 2017: Ethanol Train derailment**

Pictures of the ethanol train derailment onto Allens Avenue, across from the NGLNG property.



**March 29th 2017 Gas Leak (resulting in a Hazmat site with PCB contamination)<sup>14</sup>**



Clean-up at the Franklin Square regulator station (site of the gas line rupture that shut down I-195).

The RI Public Utilities Commission considered the location a hazmat zone due to PCB contamination from the rupture.

Left: Hazmat clean-up work at the National Grid regulator station

Below: CleanHarbors removing contaminated soil on Allens Avenue



<sup>14</sup> <http://www.ecowatch.com/gas-pipeline-leak-rhode-island-2336400242.html>  
<http://www.rifuture.org/pipeline-rupture-remediation/>  
<https://www.ecori.org/renewable-energy/2017/4/20/leaks-still-a-mystery-amid-cleanup-and-repairs>  
[https://www.ecori.org/renewable-energy/2017/3/30/lkqt0nwk4tadfivyb6hyxfqv4bhym,](https://www.ecori.org/renewable-energy/2017/3/30/lkqt0nwk4tadfivyb6hyxfqv4bhym)