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November 22, 2017

David Kerins, Chief  
Administrative Adjudication  
One Capitol Hill  
Providence, RI 02908

RE: Appeal of Approved Short-Term Response Action (File No. SR-28-1152)

Dear Chief Kerins,

Per 7.00 (a) of the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters No LNG in PVD formally requests an adjudicatory hearing for the approved Short-Term Response Action Plan (STRAP) filed by National Grid for 642 Allens Avenue, Providence, RI Plat Map 56/Lot 5, Plat Map 101/Lot 1 (File No. SR-28-1152). The STRAP was approved on October 27, 2017.

No LNG in PVD has documented in comments to the Department of Environmental Management (DEM) that National Grid is not in compliance with the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (the Remediation Regulations).

Per 7.00 (b) the content of the hearing request is to appeal the STRAP and a request for denial of the STRAP:

“Emergency or Short-Term Response Action shall mean any activities undertaken immediately following the discovery of a Release of Hazardous Material in order to completely or partially contain clean up or treat the Released Material and/or remove an Imminent Hazard if it exists (DEM-DSR-01-93 Section 3.18).”

Per the definition of an Emergency or Short-Term Response Action in the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, to qualify a project must occur immediately following the discovery of a release, or the removal of an Imminent Hazard. Section 2.2 of the Liquefaction Project STRAP states that RIDEM issued a Letter of

Responsibility on February 13, 1998 and site poses no Imminent Hazard, therefore this project does NOT qualify for a STRAP.

“No Emergency or Short-Term Response Action undertaken by the Responsible Party may be conducted in a manner which increases the potential for harm, either short-term or long-term, to human health or the environment (DEM-DSR-01-93 Section 6.01).” In addition, the analysis of whether the proposed STRAP will have an increase in the potential for harm to human health or the environment can not be segmented from the end use of the site, per DEM-DSR-01-93 Section 7.07(C)(2): “Community Meetings: The purpose of the meeting is to document community comments and concerns about the investigation, clean-up, and *reuse of the Contaminated-Site.*”

1. The proposed construction work would create the potential for harm to human health and the environment. During the proposed construction period contaminated soil and groundwater will be handled and stockpiled. The location of the project is on the Port of Providence which is subject to high winds and within the floodplain for a 100-year coastal storm (see figure 1), leading to a potential for release of contaminants. While the immediate area surrounding the existing LNG storage tank *might* not be flooded during a 100 year storm event, the location of the proposed construction activities is clearly within the flooding risk zone as determined by the RI Coastal Resources Management Council. Due to climate change, 100 year (1%) storms are becoming more likely and occurring more frequently. National Grid does not have control over the likelihood or timing of a storm, and would not be able to sufficiently fortify an active construction site in advance of a storm. The proposed activities therefore represent an increase in the potential for harm for both human health and the environment.

Figure 1. STORMTOOLS map, developed by RI Coastal Resources Management Council and University of Rhode Island, showing the depth of water during a 100 year coastal storm.



2. Proposed construction activities will occur near existing fossil fuel infrastructure including an existing high pressure natural gas pipeline. The proposed activities include digging and operation

of heavy machinery, as well as driving steel piles into the bedrock to create the foundation for the proposed liquefaction facility. Pile driving poses an increased potential for harm in three distinct ways. First, there is a slight chance it could increase the potential for seismic activity - on July 22, 2015 there was a 2.3 magnitude earthquake with an epicenter at Fields Point<sup>1</sup>, almost directly at the location of the proposed pile driving, which is surrounded by sensitive and high risk fossil fuel and chemical facilities. Second, there is the potential for vertical migration of hazardous contaminants known to be present in the tidally influenced groundwater. Third, and most importantly, the major gas leak that occurred at National Grid's substation further down Allens Ave on March 29, 2017 was determined to have been caused by vibrations from nearby construction.<sup>2</sup> It is therefore not conjecture or hyperbole to state that construction activity, especially heavy machinery construction and vibrations from pile driving, would increase the risk of a major gas leak and therefore increase the potential for harm. Furthermore, it was later revealed that the gas leak resulted in the sprayed release of polychlorinated biphenyl (PCB)<sup>3</sup>, a banned substance which is also present at 642 Allens Ave. In combination, the combined set of risks related to construction activities proposed in National Grid's STRAP application represent increases in the potential harm to both humans and the environment, and are grounds for denial.

3. It is impossible to separate the proposed STRAP activities from the overall project, the proposed liquefaction facility. There are immediate short-term risks and hazards related to liquefying natural gas and exporting LNG by truck, and long term risks and hazards related to climate change caused by human consumption of fossil fuels. The proposed facility would increase the potential for harm to human health and the environment in an Environmental Justice Focus Area that has already been overburdened by over a century of pollution related to fossil fuels. An additional facility represents additional potential for harm, and the community has very clearly expressed strong opposition to the proposed reuse of of the contaminated site.

“Emergency Permits shall not exceed ninety (90) days in duration (DEM-DSR-01-93 Section 6.05).”

The STRAP for the proposed Liquefaction Plant indicates: “The schedule for implementation of the work described herein will depend on receipt of the STRAP Approval for the RIDEM and receipt of other necessary permits and approvals. The Project is Projected to begin in 2017 and continue through 2019. Earth disturbing activities are not expected to begin until early 2018.” As the duration is longer than 90 days, the work does not constitute short-term remediation and does not meet the duration requirements for an Emergency or Short-Term permit.

National Grid failed to meet the requirements that a STRAP is for actions immediately following the discovery of a Release of Hazardous Material or removal of an Imminent Hazard (DEM-DSR-01-93 Section 3.18), no increases in potential harm, either short-term or long-term, to human health or the environment (DEM-DSR-01-93 Section 6.01), failed to meet the requirements of community meets (DEM-DSR-01-93 Section 7.07(C)(2)), duration of time for a **Short** Term Response Action Plant

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<sup>1</sup> <http://turnto10.com/archive/earthquake-jolts-rhode-island-in-early-morning-hours>

<sup>2</sup> [providencejournal.com/news/20170330/officials-construction-caused-gas-line-rupture-in-providence](http://providencejournal.com/news/20170330/officials-construction-caused-gas-line-rupture-in-providence)

<sup>3</sup> <http://www.rifuture.org/pipeline-rupture-remediation/>

(DEM-DSR-01-93 Section 6.05), and does not comply with DEM's Environmental Justice policy. Enclosed is our August 10, 2017 comment letter to DEM which the majority of our concerns to National Grid were not addressed.

Sincerely,

No LNG in PVD

Monica Huertas Campaign Coordinator <b>No LNG in PVD</b> nolnginpvd@gmail.com	Cristina Cabrera Executive Director <b>Environmental Justice</b> <b>League of Rhode Island</b>	Nick Katkevich Co-Founder <b>FANG Collective</b>	Aaron Jaehnig Chapter Chair <b>Sierra Club of RI</b>
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**Petition to the Rhode Island Department of Environmental Management and National Grid to cease approval and implementation of any and all remediation work and related permitting activities at the Providence MGP site until a Public Involvement Plan is developed and approved.**

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**Preamble:**

The waterfront site of the former Providence Gas Company Manufactured Gas Plant (MGP) located at 642 Allens Avenue in Providence, RI (hereafter referred to as "Site") is known to have a long history of contamination from oil and/or hazardous materials (OHM). The Site extends from Allens Ave on the west to the Providence River on the east, and is bordered by the Motiva oil terminal on the north, Terminal Road on the southwest, and ProvPort tenants to the southeast (UNIVAR chemical company and New England Petroleum). MGP operations from 1910 to 1954 released byproducts including coke, coal tar, ammonia, toluene, and benzene.

B.P. Clapp operated an ammonia works at the property starting in 1910, the United States Government operated a toluene facility during 1918, and a liquefied petroleum gas (LPG/Propane) distribution plan began operations in 1952. In 1973, Algonquin Gas Transmission Company, LLC and Algonquin LNG, Inc., subsidiaries of Duke Energy, negotiated with Providence Gas Company to build a 600,000 barrel Liquefied Natural Gas (LNG) storage tank at the Providence MGP site, with Algonquin LNG providing regasified natural gas to the Providence Gas Company distribution network. In September 2000, the Southern Union Company purchased the Providence Gas Company and changed its name to the New England Gas Company (NEGC). In December 2002, KeySpan Energy Development Corporation purchased Algonquin LNG from Duke Energy Gas Transmission, making KeySpan LNG LLC a wholly-owned subsidiary operating as a tenant on the New England Gas Company property. St. Lawrence Cement Company was also a tenant of NEGC on the Providence MGP Site, changing its name to Holcim (Canada) Inc. in 2009. In February 2006, National Grid PLC acquired KeySpan Corp for \$7.3 billion and also purchased New England Gas Company from Southern Union. National Grid, through its subsidiary National Grid LNG LLC is the current owner of the Providence MGP Site.

Numerous substances which pose a risk to public health, safety, and the environment have been recorded at the site, and 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. Many locations in the site contained multiple hazardous substances at levels that exceed allowances.<sup>1</sup>

Since 1994, there have been some actions taken to remediate the site in order to facilitate expansion of the LNG storage facility.<sup>2</sup> Environmental Science Services (ESS) was contracted to conduct tests and prepare a Remedial Action Work Plan ("RAWP"), which was submitted to RIDEM in

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<sup>1</sup> "Remedial Action Closure Report: Former Manufactured Gas Plant, 642 Allens Ave" prepared by VHB/Vanasse Hangen Brusslin, Inc. for the New England Gas Company, and submitted to RIDEM November 2002.

<sup>2</sup> "Site Investigation Report: Former Manufactured Gas Plant, 642 Allens Ave" prepared by VHB/Vanasse Hangen Brusslin, Inc. for the New England Gas Company, and submitted to RIDEM April 2003.

December 1998. The RAWP defined objectives for objectives for surface soils, subsurface soils within 100 feet from Providence River, and subsurface soils more than 100 feet from shoreline. In June 1999 RIDEM issued a Temporary Remedial Action Permit (TRAP), and Algonquin LNG excavated part of the site by the LNG truck loading area and containment dike. Following Southern Union's acquisition of the site, RIDEM rejected the Draft Interim RAWP submitted by Environmental Operations, Inc. in July 2001 as well as a Modified RAWP submitted by Vanasse Hangen Brustlin, Inc in September 2001. RIDEM approved modifications in April 2002 and a new TRAP was issued, leading to excavation of contaminated soil and waste in six areas on the site, which was transported and disposed of at facilities in Dunmore Pennsylvania, Loudon New Hampshire, and Emelle Alabama. In total, 16,864 tons of material were excavated and removed, of which 9,558 tons were classified as hazardous. In addition, a wastewater treatment system designed to remove particulate solids, floating oils, dissolved organics, and cyanide treated and discharged 296,691 gallons of wastewater.<sup>3</sup>

While some specific areas of the Site were considered remediated following the activities described above, the remaining areas, which constitute a majority of the land, have not been remediated. In addition, records show releases of oil and/or hazardous materials (OHM) on all surrounding properties.<sup>4</sup> It must be noted that while active RIDEM oversight was present throughout the previously conducted remediation activities, this pre-dated the Public Involvement Plan regulations, amended in November 2011 as described below. As such, there was not sufficient public involvement in the planning, approval, or oversight of previously conducted remediations.

**Current Activities:**

On April 1, 2016, National Grid LNG LLC (NGLNG, the owner and responsible party for Site remediation), submitted an abbreviated application to the Federal Energy Regulatory Commission (FERC) seeking a Certificate of Public Convenience and Necessity to construct the *Fields Point Liquefaction Project* (hereinafter "Liquefaction Facility"). NGLNG is also submitting an additional application to FERC for a storage tank containment enhancement project, the "Bund Wall Project" to be constructed at the same time as the Liquefaction Facility. In Section 7.3.6 of Environmental Resource Report #7 (Soils) in NGLNG's application, it states:

*While remedial actions have removed surficial contaminated soil from the Site to the extent practicable, some Site soils that exceed applicable RIDEM criteria remain, especially along the northern and eastern access roads that surround the LNG containment berm, within the truck offloading area, and within the southwestern-most portion of the Project Site. Soils in these areas are primarily contaminated by metals, semi-volatile organic compounds ("SVOCs"), and petroleum (FERC 2005). During explorations performed in the liquefaction work area of the Site, coal tar-like and fuel oil-like impacts were observed in the fill layer, as evidenced by elevated levels of Volatile Organic Compounds ("VOCs"), Polycyclic Aromatic Hydrocarbons ("PAHs"), Total Petroleum Hydrocarbon ("TPH"), metals and cyanide. In addition, light non-aqueous phase liquids ("LNAPLs") were observed in some monitoring wells screened within the fill layer... Slight visual and olfactory evidence of fuel oil-like impacts were detected in the underlying upper*

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<sup>3</sup> "Remedial Action Closure Report". November 2002.

<sup>4</sup> "Site Investigation Report". April 2003.

*organic silt layer in two test borings within the proposed liquefaction work area. The horizontal extent of soil impacts covers the entire proposed liquefaction work area.*<sup>5</sup>

NGLNG intends to remove portions of previously installed soil caps, excavate and store contaminated soils on site, and install foundation piles into contaminated soils as part of the construction of the facility. NGLNG anticipates “that soils will be stockpiled at the Site for approximately one month, although soils will continuously be generated during soil disturbance activities for approximately six months.”<sup>6</sup> Protections planned by NGLNG include placing soil stockpiles on plastic sheets with 6 mil thickness, covering piles with plastic sheets at the end of each day, and use of hay bales. In order to conduct these activities, NGLNG has submitted a Short Term Remedial Action Plan (STRAP) to RIDEM for approval.

**Community Concerns:**

Community residents, organizations, and elected officials have expressed strong concerns and opposition to NGLNG’s proposal through submitted comments and testimonies, published articles, community forums, and regular demonstrations, starting in August 2015 through the present. Broadly, concerns over the concentration of known historical contamination and currently operating polluting facilities in close proximity to low income communities of color have lead to charges of environmental racism. The U.S. Environmental Protection Agency’s EJSCREEN tool confirms that the area surrounding the Site is ranked as high risk on numerous environmental justice indicators.<sup>7</sup> As such, there are paramount concerns over the cumulative impacts and risks of any additional release of toxins, in a community that is already overburdened by historical legacies of pollution and ongoing toxic releases recorded on the EPA Toxic Release Inventory. Specific to the Site at 642 Allens Ave, concerns include but are not limited to:

- Removal of parts of the existing soil cap installed during previous remediations, which undoes previous progress taken to improve the Site and risks spreading additional contamination.
- Disturbing soils that have not been previously remediated, opening up pathways for the release and spread of known contamination with potential for serious environmental and health impacts.
- Unsafe storage of excavated contaminated soils during construction, which are exposed and at risk to flooding, storm surges, and high winds.
- Lack of continual ongoing monitoring of air, soil, and groundwater.
- Potential for improper handling of materials that would violate the terms of the proposed soil management plan or STRAP, with a lack of external oversight to continually monitor activities.
- Potential for hazardous materials from the site to reach offsite through blowing dust, stormwater, or accidental offsite transport on vehicles or persons, resulting in potential impact to sensitive populations including but not limited to pedestrian or commuter traffic along Allens Ave,

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<sup>5</sup> Environmental Report, NGLNG Fields Point Liquefaction Project, Resource Report 7, Soils, Section 7.3.6. Submitted to the Federal Energy Regulatory Commission on April 1, 2016.

<sup>6</sup> *ibid*

<sup>7</sup> “Environmental Racism: ongoing and underlying environmental justice issues.” Environmental Justice League of RI. <http://www.rifuture.org/ejlrj-3.html> as accessed August 8, 2016.

patients or staff at Providence Community Health Centers, students or faculty at Meeting Street School, or workers at the Site or at neighboring facilities.

- Lack of public engagement and responsiveness to concerns by NGLNG, leading to a general lack of knowledge, understanding, or communication about hazards and risks to both community members and workers who could be negatively impacted.

**Petition:**

Based upon the information contained in the above sections for Preamble, Current Activities, and Community Concerns, the petition of certain community members with included signatures brings to the attention of the RI Department of Environmental Management's amended site remediation regulations, passed in November 2011. In regards to the requirement for a Public Involvement Plan (PIP):

*E. Public Involvement Plans: The Performing Party shall develop, and submit to the Department for review and approval in both hard copy and electronic format (as specified by the Department), a site-specific public involvement plan for any Contaminated-Site for which the Department has received a Notification of Release and for which a minimum of twenty-five (25) residents, local officials or other interested parties have requested, in writing and in the form of a petition, that a formal process be set up for their participation in cleanup planning. The Public Involvement Plan shall address all relevant and applicable requirements of Rule 7.07 A, B, C, and D.*

**Based on this regulation, the petitioners request that approval and implementation of any and all remediation work is halted at the Providence MGP Site until a PIP is approved and implemented. This specifically includes, but is not limited to, the Short Term Remedial Action Plan that NGLNG is proposing for activities on the site, as well as other RIDEM permits for activities related to the Fields Point Liquefaction Facility proposed by NGLNG.**

The PIP should provide a framework for the public to shape what the public meetings will look like, what their format would be, and how information and monitoring samples are communicated to the public, as well as how additional members of the public can become involved in the PIP process. More so, the PIP should recognize members of the community as mechanisms of oversight. To this end, it should include a clear mandate and protocol for investigating reports that community members make about emissions (i.e., individual complaints about dust clouds, soil disturbances, strong chemical smells, etc).



Petition Signatures to RIDEM and National Grid: Public Involvement Plan for Former Manufactured Gas Plant on 642 Allens Ave, Providence RI

Printed Name	Signature	Address	Email	Phone
1 C. Kelly Smith		103 Holden St, Prov 02908	Mesa4me@aol.com	401-274-2008
2 Michael Alston		162 Miller Ave 02905	a.panther.4.life@gmail.com	401-248-5011
3 Viviane Hanne		162 Miller Ave	viv43@hotmail.com	401-441-1007
4 LEO SCHULZ		309 N. W. T. G. Medy 1	LEO.SCHULZ2401@G.M	401-545-1021
5 David Rector		1266 Broad St. (Christus Rex) Prov. RI. 02905		401-785-2077
6 Laura Jout		1/6 B. Block St Providence RI 02905	laura.jout856@hotmail.com	(401) 545-2217
7 Julian Drix		93 Calla St. 02905	Julian@ejri.org	607-280-2471
8 Gina Rodriguez		93 Calla St 02905	gina.ritesandreason@gmail.com	401-440-1858
9 Christopher Leuth		743 Westminster St	chris@youthpideri.org	401. 981. 421. 5626
10 Leann Letellier		67 Gallatin St	leann.letellier@gmail	401-688-3739
11 Charlene Sampson		107 Westlake Ave	CharleneSampson@gmail.com	401-830-0171
12 Benjamin Chaplin		181 California Ave Apt 17	BenjaminChaplinpt@gmail.com	
13 LESLIE NORIEGA		74 Gallatin St	Lilynoriega@live.com	(401) 785-2927
14 Justin Hernandez		125 Roger Williams Ave	justinhernandez121@gmail.com	(401) 572-4949
15 Aleita Cook		85 Puffer	aleitacook14@gmail.com	(347) 347-818
16 Seena Chhan		207 Wendell St.	Seena@ejri.org	
17 Jesus Holguin		3 Bell St	jesus@ejri.org	401 368 3693
36. Christina Ergas		39 Windmill St	ChristinaErgas@brown.edu	214-632-4971

Petition Signatures to RIDEM and National Grid: Public Involvement Plan for Former Manufactured Gas Plant on 642 Allens Ave, Providence RI

Printed Name	Signature	Address	Email	Phone
18 Tereza Cooke		20 SPICER ST	TerezaCooke29@gmail.com	383-7396
19 Ivan Calderon		10 Reiscilla Ave	UNK.POOCH@gmail.com	965-8966
20 Shelia Calderon		10 Rosella Ave	shelie666@gmail.com	225-9303
21 KEITH OLIVEIRA		63 ROANOKE ST.	KEITHOLIVEIRA@VERIZON.NET	401-751-7618
22 Ezeil Lomba		41 Woodmont St	Ejlomba@gmail.com	401-359-1790
23 Angela Ankoma		10 Vineyard Street Prov.	angie.bannerman@gmail.com	401-864-8166
24 Monica Huertas		216 Ohio Ave	monicauchuertas@gmail.org	401-2804059
25		216 Ohio Ave	jhuertas0609@gmail.org	401-6991212
26 Justice Gaines		304B Wickenden St	justicegaines7@gmail.com	908-698-7069
27 JARON BROWNE		2817 BIRDALE AVE Atlanta, GA	jaron@gjellize.org	415-377-2822
28 Patrick Him		177 Mawral St.	Partrick@prysm.us	401-333-5045
29 Sabine Adrian		67 Rosedale St	sabine@providencestudentunion.org	401-952-7868
30 SUON KEO		103 ALGER AVE.	SUON@prysm.us	
31 Danny Suay		649 Public St.	DannyS@prysm.us	401-592-9700
32 ERIC LARSON		28 Sycamore St	geografias@sub.com	401 575 2846
33 KATE ANBIN		39 MOORLAND AVE	SUPER8KATE@YAHOO.COM	401-374-3697
34 Tommy Slay		649 Public St.	Tommy@prysm.us	401-261-1140
35 Cristina Cabrera		95 Park Pl Pawtucket, RI	ccabreraefa@gmail.com	401-450-1486

Signed,

Elected Officials:

Representative Edith Ajello, District 1  
Representative Chris Blazejewski, District 2  
Representative Moira Walsh, District 3  
Representative Aaron Regunberg, District 4  
Representative Marcia Ranglin-Vassell, District 5  
Representative John Lombardi, District 8  
Representative Grace Diaz, District 11  
Senator Josh Miller, District 28  
Senator Jeanine Calkin, District 30  
Representative Susan Donovan, District 69  
Providence City Councilman Sam Zurier, Ward 2

Organizations:

Climate Action RI  
Environmental Justice League of Rhode Island  
The FANG Collective  
Fossil Free Rhode Island  
RI Sierra Club  
Sisters of Mercy Ecology

Individuals:

Aaron Jaehnig, [aaron.jaehnig@gmail.com](mailto:aaron.jaehnig@gmail.com)  
Andrew Poyant, [andrewpoyant@gmail.com](mailto:andrewpoyant@gmail.com)  
Chris Kavanagh, RSM  
Cristina Cabrera, [Cristina@ejlri.org](mailto:Cristina@ejlri.org)  
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Dr. Kara Provost, [kprovost0907@post03.curry.edu](mailto:kprovost0907@post03.curry.edu)  
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Suzanne Enser, [svetromile@gmail.com](mailto:svetromile@gmail.com)

## Enclosure A) Additional technical comments

In addition to finding that the STRAP does NOT meet the requirements of an Emergency or Short-Term Response Action therefore requiring denial of the permit, the No LNG in PVD Coalition has compiled the following additional comments on the STRAP:

### ***Inadequate notice and communication:***

“The notice shall contain, at a minimum, the following information:” (DEM-DSR-01-93 Section 6.06)

- “A Brief description of Hazardous Waste Involved (DEM-DSR-01-93 Section 6.06(B))”

Both the first and second public meeting notices had no mention of which hazardous waste is involved.

- “A brief description of the treatment action and/or other actions authorized by the permit (DEM-DSR-01-93 Section 6.06(C)).”

The description is limited to soil and groundwater management, and earthwork.

- “The duration and effective dates of the permit (DEM-DSR-01-93 Section 6.06(E)).”

The duration of work associated with the requested permits was not included in either notices.

National Grid did not hold a public meeting per RIDEM’s regulations. “Community Meetings: The purpose of the meeting is to: 1) disseminate information about the Department’s Site Remediation program and the specific *Contaminated-Site* of interest; 2) document community comments and concerns about the investigation, clean-up, and *reuse of the Contaminated-Site*, and 3) *engage in a dialogue with the public about the Contaminated-Site*. Community meetings will be organized by the Performing Party and will be *accessible* to those who wish to attend (considering public transportation and access for disabled. All “*equal participation*” among all involved should be established – avoiding panels, head tables, or auditorium presentations. Translation assistance for non-English speakers shall be provided by the Performing Party when appropriate (DEM-DSR-01-93 Section 7.07(C)).”

National Grid refused to discuss the Reuse of the Contaminated-Site, the liquefaction facility, during the community meeting, which is stated in the purpose of a community meeting.

During the community meeting National Grid refused to acknowledge that there is any risk with the soil and groundwater. Effects from potential exposure to the contaminated material being handled were not discussed and were quickly dismissed. The words Contaminated, Carcinogenic,

Excess Lifetime Cancer Risk, Hazardous Material, Hazardous Substance and Hazardous Waste were absent from the dialogue, instead such contaminated material was referred to as “compounds”. Even National Grid’s poster on “What is a STRAP and What is a PIP” does not include the word Hazardous which is in RIDEM’s definition of a STRAP. National Grid was engaging in public relations not in real engagement and dialogue with the public about a contaminated site.

***Monitoring and Safety:***

“The Responsible Party shall, throughout the implementation of that action, monitor and evaluate the performance, effectiveness and completeness of the action in abating, preventing or eliminating contamination and more specifically, the Imminent Hazard (DEM-DSR-01-93 Section 6.08).”

As National Grid has a history of non-compliance with safety regulations. Soil work conducted on the southwestern portion of the site for the “Holder 18-21” project was approved under a previous STRAP and was conducted in another area in the site known to have high levels of hazardous substances. A video<sup>10</sup> taken during the work in September 2016 shows visible dust blowing both on and off of the property, from uncovered piles of soil. After news came out about PCB contamination at the site of the major gas leak on Allens Ave in March 2017, another video<sup>11</sup> was taken that showed a soil stockpile being moved into a truck parked on Allens Ave, directly across from a parking lot for Rhode Island Hospital. None of the workers were wearing protective equipment other than hard hats, and there was no supervisor from National Grid immediately on site.

The No LNG in PVD coalition requests that an independent environmental monitor is allowed on site throughout the construction period of the STRAPs, and that the No LNG in PVD Coalition is reimbursed on a weekly basis for the cost of the independent monitor. The monitor will report back to the coalition and the public.

Section 4.1 of the STRAP states “In general, the fill consists of sands and gravels with cinders, cinder ash, coke and coal fragments.”

Several of the borings indicate the soil is a silt or fine sand, both of which are significantly more susceptible to becoming airborne than a just sands and gravel. There is no discussion of how likely the cinder ash, coke and coal fragments may become airborne. In addition during the first public meeting National Grid indicated there was no threat to the soil having dust impacts. It is concerning that National Grid is downplaying the potential dust threat by what material they claim is predominant especially at a coastal site with potential for high winds.

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<sup>10</sup> Video available: <https://drive.google.com/file/d/0ByoLfjPIG7k4b0xzOVdBcmswWGM/view?usp=sharing>

<sup>11</sup> Video available: <https://drive.google.com/file/d/0B4mUxI7HhXyEbThtUmdDWk5GTTg/view?usp=sharing>

RIDEM should require that National Grid provide copies of all air monitoring (Section 6.6.1 of STRAP) results to the No LNG in PVD Coalition on a daily basis.

Section 6.7 Decontamination Protocol lacks requirements to keep construction workers and their families safe. There is no discussion about workers cleaning up prior to eating or leaving the site, about not allowing food or drinks near where work is occurring with contaminated soil and groundwater.

- Will the person overseeing construction oversight have had OSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) Supervisor training?
- Will the construction workers have been HAZWOPER trained?
- What Personal Protective Equipment will the construction workers use?
- Will the construction workers be informed of the material they are working with?

Section 6.8 Soil Stockpile Management Requirements describes the contaminated soil being moved a minimum of three times before either being shipped off-site or buried beneath the cap.

- As this project is located on the coast, which is prone to high winds, stormwater and floodwater, No LNG in PVD Coalition requests that the contaminated soil is immediately stored in liquid tight containers that can be shipped when excavated, therefore limiting the migration of the contaminated soil to impact human health or the environment.

The STRAP lacks mitigation measures that will adequately prevent the spread of the contaminated material.

- Will trenches in be properly covered if rain is forecasted to prevent water from entering the contaminated material?
- Will work stop if it is raining or there are high winds?
- As the project is located on the coast, which adds the potential for high winds, it is requested that additional air monitoring occur along the perimeter of the site.

### ***Ecological concerns***

The project is located in potential habitat for the federally listed threatened red knot (*Calidris canutus rufa*). In addition 19 bird species that are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act may be potentially affected by the proposed activities according to U.S. Fish and Wildlife Service (USFWS) IPaC on July 5, 2017. It is requested that an Ecological Risk Assessment is conducted per (DEM-DSR-01-93 Section 8.05A) and report (DEM-DSR-01-93 Section 8.05B)

- “An Environmentally Sensitive Area shall mean any of the following areas: Areas which provide habitat for Federally endangered or threatened species as determined by the U.S. Department of Fish and Wildlife (DEM-DSR-01-93 Section 3.21).”
  - Please coordinated with the USFWS to determine if the Site provides habitat for red knot.
  - If it is determined the site does provide habitat, National Grid must comply with the Endangered Species Act.
  - If determined to be an Environmentally Sensitive Area, National Grid must meet the more stringent thresholds of Method 3 during any remediation work. “Method 3 shall mean the determination of appropriate remedial objectives based on the concentrations of

Hazardous Substances developed in accordance with Rule 8.04 (Method 3 Remedial Objectives) and Rule 8.05 (ecological Protection) of the Remediation Regulations (DEM-DSR-01-93 Section 3.49).”

## Enclosure B) Environmental Justice Focus Area

National Grid's Public Involvement Plan, approved by RIDEM on June 28, 2017, states that "this Site is not located within an EJ Focus Area, therefore, the requirements of Rule 7.07B (fact sheets and enhanced communications) do not apply." The development of fact sheets and use of enhanced communication is an essential part of the Remediation Regulations and should not be cut out. Other elements of the regulations are also ignored due to this fundamental problem. Section 1.04 (Environmental Justice and Public Involvement) and Section 7.01 D (sign requirements) are applicable elements of the Remediation Regulations and need to be applied fully to the entirety of the property at 642 Allens Ave.

The static map of EJ Focus areas used by RIDEM is an outdated interpretation of the definition of Environmental Justice Focus Areas included in the Remediation Regulations: "Section 3.20 (Definitions) Environmental Justice Focus Areas shall mean areas defined by United States Census block groups that are in the highest fifteen percent (15%) of all Census block groups in Rhode Island with respect to the percent population identified as racial minorities or the highest fifteen percent (15%) of Rhode Island census block groups with respect to percent population with income identified as being twice the federal poverty level or below (utilizing the most recent and readily available data from the United States Census)."

A report generated by the EPA's EJSCREEN tool<sup>12</sup>, which uses more recent and more readily available census data than the static EJ areas map on the RIDEM website<sup>13</sup> indicates that the demographics of the half mile radius around the 642 Allens Avenue site are:

- 87th percentile in Rhode Island for minority population
- 86th percentile in Rhode Island for low income population

This therefore meets the definition of Environmental Justice Focus Area in the Remediation Regulations. In addition, the population impacted by the site within a half mile radius is in the 83rd percentile for linguistic isolation, and in the 86th percentile for percentage of the population with less than a high school degree.

According to Section 1.04 of the Remediation Regulations: "*the Department will promote public participation based on the beliefs that individuals should have a timely, meaningful way to participate in decisions that impact them, and that public participation in its best form is an ongoing, two-way process that benefits both the public and the agency. The Department defines public participation as people getting timely and accurate information, being heard at meaningful times, and if interested, **contributing to the development of workable solutions**... Department's objective is to provide for proactive consideration of environmental justice concerns in order to help ensure that all **communities have a strong voice in environmental decision-making relative to the investigations and remediation of property regardless of race, color national origin, English language proficiency, or income.***" (emphasis added)

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<sup>12</sup> <https://drive.google.com/file/d/0B4mUxl7HhXyEWU1nZDVHQmF0Qlk/view?usp=sharing>

<sup>13</sup> <http://www.dem.ri.gov/envequity/graphics/ejareas.jpg>



In Environmental Justice Focus Areas, and especially with communities with limited english language proficiency and educational background, there is an even greater onus and responsibility for enhanced communication and ensuring that impacted communities understand the risks and are meaningfully involved in decision-making. This includes decisions related to Section 7.04 (development of at least two remedial alternatives) and Section 7.09 (Remedy Selection), which therefore justify comments made in opposition to the LNG Facility (National Grid's selected remedy) as well as the community demands for remedial alternatives that include 1) no action (not allowing for construction) and 2) full and comprehensive remediation of the entire property.

The following technical comments are additional argument, based on census data, refuting National Grid claims that there this is not an environmental justice site, and justifying that the site in question does in fact need to be considered an Environmental Justice Focus Area by RIDEM. Note that the following analysis focuses on the *percentage* of "minority population" in census tracts and uses the EPA definition of greater than 50% qualifying as Environmental Justice community, whereas RIDEM regulations define EJ areas as the top 15 percentile. The state as a whole has 25% "minority" population, while the half mile radius around the property is 66% "minority", which translates to the 87th percentile in the state (e.g. top 13 percentile).

In the overall application to FERC, National Grid LNG (NGLNG) manipulated the analysis of demographic data by omitting key census tracts and block groups. There are six (6) Census Tracts, containing a total of 18 Block Groups, that fall within the 1 mile radius of the proposed facility. NGLNG incorrectly selects just two block groups (Census Tract 1.0.1, Block Group 1 and Census Tract 6, Block Group 1 as "the block groups closest to the project." While it is true that Census Tract 1.0.1, Block Group 1 is the only block group which contains the project site, it is misleading to state that this block group and Census Tract 6 Block Group 1 are "the block groups closest to the project." Both of these block groups cover a relatively large area, and at their furthest points are much further from the project site than the entirety of other block groups such as Census Tract 1.01 Block Groups 2, 3, and 4; Census Tract 1.02 Block Group 1; and Census Tract 5 Block Groups 1 and 3. When the traffic impacts of the project construction and operation are taken into account, the project activities directly impact the residential census blocks that include Ernest Street, Eddy Street, and Thurbers Ave: Census Tract 1.01 Block Group 3, Census Tract 1.02 Block Group 1, and Census Tract 5 Block Groups 1 and 3.

After incorrectly selecting Census Tract 1.0.1 Block Group 1, and Census Tract 6 Block Group 1 as "the block groups closest to the project", NGLNG emphasizes multiple times that these block groups "have an overall 'minority' population less than the general USEPA guideline of 50 percent" with 'minority' populations of "42.3% and 31.3% respectively, as compared to the city average of 63.3%." This is also a misrepresentation of demographic data, which NGLNG uses to intentionally mischaracterize the area as having "majority White and affluent populations."

NGLNG states that Census Tract 1.01 Block Group 1 has a population of 1,422 people and is 42.3% 'minority' based on data from U.S. Census Bureau, 2009-2013 5-Year American Community Survey. Additional demographic census data available from ProvPlan's Rhode Island

Community Profiles shows that this block group includes College/University Dorm population of 1,1752. This is based on Johnson and Wales University (JWU) building dormitories in the mid to late 2000s. In 2000, this census block group had a population of 682 which was 54% 'minority', by 2010 the addition of 1,175 college students led to a population of 1,812 which was 42.3% 'minority.' This additional data complicates NGLNG's conclusions. First, it was only due to the recent infusion of a majority (~65%) white resident student body that this block group no longer meets the 50% threshold set by USEPA, the remaining long term residential neighborhood is still over the 50% threshold. Furthermore, youth - including college students - should be a group in need of special attention and protection from the harms of negative environmental impacts. NGLNG used misleading data, based on the JWU student body demographics, to claim that there are no environmental justice impacts from the project, when in reality there is both a residential community of color, and a community of undergraduate students, that are directly impacted within Census Tract 1.01 Block Group 1. Both of these groups are EJ populations.

The other area highlighted by NGLNG as being in most directly impacted and less than 50% 'minority' is Census Tract 6 Block Group 1. This block group has a very low population size of 336, and a very large area stretching all the way to the Jewelry District in downtown Providence. The farthest point within this block group is over 1.5 miles away from the proposed project location. ProvPlan Community Profiles Data for this block group\_ shows that the majority of the people in it live in group quarters (211 people) or are also college / university dorm residents (94 people), according to 2010 census data. The area includes at least one substance abuse rehabilitation facility, Meeting Street School for children with developmental disabilities (2,750 feet from the facility site), Providence Community Health Center's Chaffee Health Center (2,250 feet from the facility site), and the Hospitals complex including RI Hospital and Women and Infants Hospital (just over 1 mile from the project site). Once again, while NGLNG uses the block group's 'minority' population percentage of 31.3% to conclude that there is no environmental justice impact, in fact this block group contains a large number of very sensitive populations.

Meanwhile, in only focusing on these two block groups (which happen to be the only two block groups within the 1 mile radius from the proposed facility that have overall 'minority' populations less than 50% USEPA threshold), NGLNG excluded other directly impacted census tracts and block groups outlined above. Specifically, in Census Tract 5, the entirety of both block groups 1 and 3 are closer to the project site than large sections than the two block groups highlighted by NGLNG. Census Tract 5 includes the busy intersection of Eddy St and Thurbers Ave which carries the majority of truck traffic in and out of Port of Providence. All trucks leaving the project site and heading south on I-95 travel on residential Eddy Street through this Census Tract. This Census Tract is an asthma hotspot that is tied with the highest asthma rates anywhere in Rhode Island. Block group 1 is 93.7% 'minority' and block group 3 is 97.5% 'minority.' And yet this is omitted from NGLNG's so-called environmental justice "analysis" in order to make false statements, mischaracterize the community they are impacting, and attempt to hide the reality that the proposed project includes large environmental justice impacts and concerns.

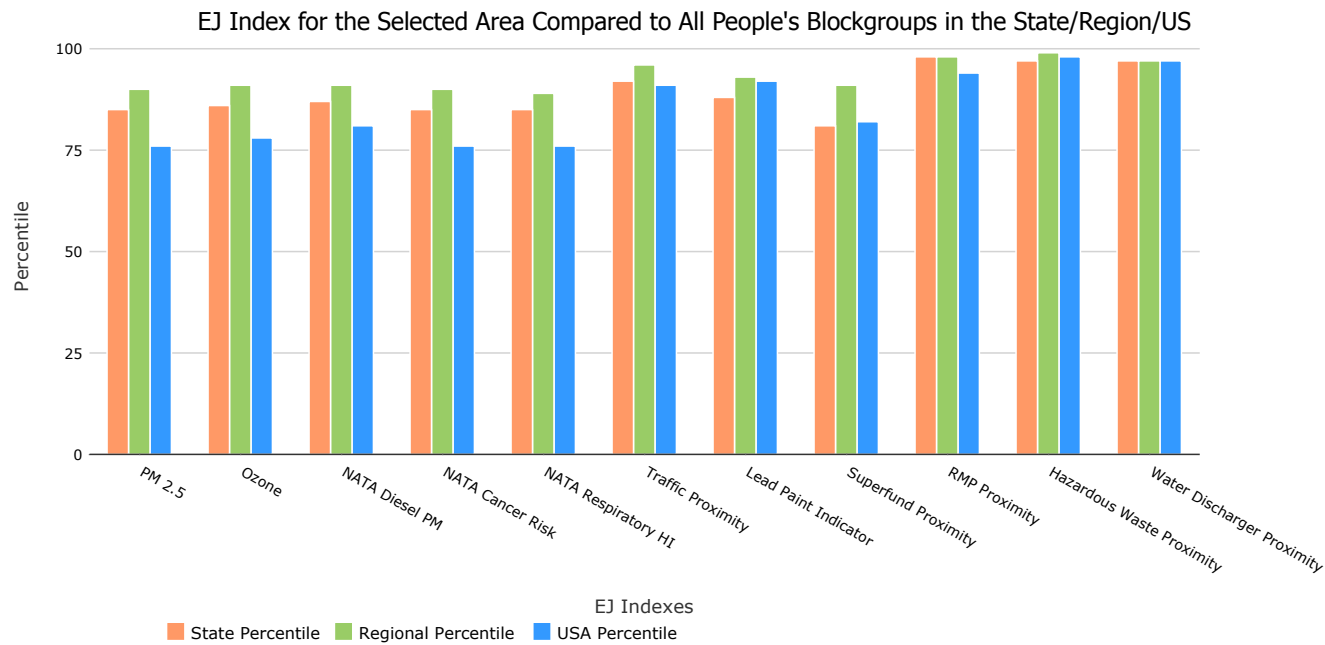
Save as PDF



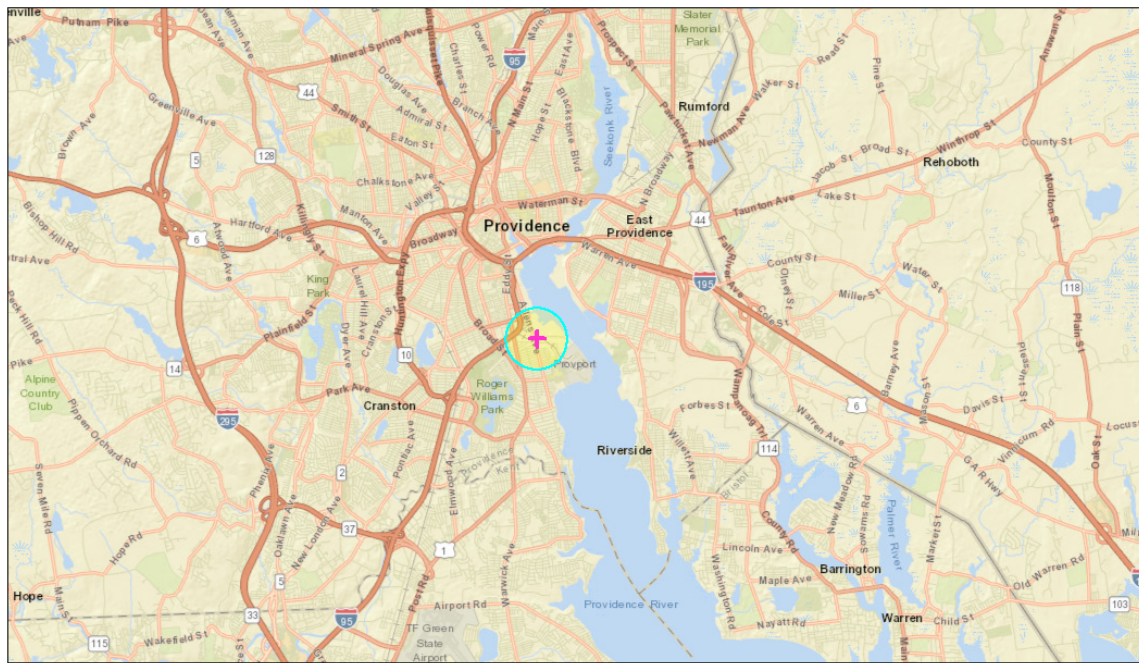
**EJSCREEN Report (Version 2016)**  
**0.5 mile Ring Centered at 41.795673,-71.397639**  
**RHODE ISLAND, EPA Region 1**  
**Approximate Population: 3,717**  
**Input Area (sq. miles): 0.79**



Selected Variables	Percentile in State	Percentile in EPA Region	Percentile in USA
<b>EJ Indexes</b>			
EJ Index for Particulate Matter (PM 2.5)	85	90	76
EJ Index for Ozone	86	91	78
EJ Index for NATA* Diesel PM	87	91	81
EJ Index for NATA* Air Toxics Cancer Risk	85	90	76
EJ Index for NATA* Respiratory Hazard Index	85	89	76
EJ Index for Traffic Proximity and Volume	92	96	91
EJ Index for Lead Paint Indicator	88	93	92
EJ Index for Superfund Proximity	81	91	82
EJ Index for RMP Proximity	98	98	94
EJ Index for Hazardous Waste Proximity <sup>+</sup>	97	99	98
EJ Index for Water Discharger Proximity	97	97	97

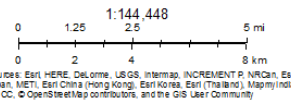


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.



June 29, 2017

- Buffer Area
- Digitized Point



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NCCO, © OpenStreetMap contributors, and the GIS User Community

**Sites reporting to EPA**

Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0
National Pollutant Discharge Elimination System (NPDES)	1

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	7.76	7.65	54	8.06	29	9.32	17
Ozone (ppb)	45	44.8	65	42.8	72	47.4	31
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.19	0.666	95	0.711	80-90th	0.937	70-80th
NATA* Air Toxics Cancer Risk (risk per MM)	38	34	73	33	70-80th	40	<50th
NATA* Respiratory Hazard Index	1.6	1.4	68	1.5	60-70th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	800	550	83	320	90	590	84
Lead Paint Indicator (% pre-1960s housing)	0.77	0.53	78	0.46	83	0.3	90
Superfund Proximity (site count/km distance)	0.095	0.21	24	0.16	56	0.13	65
RMP Proximity (facility count/km distance)	2.5	0.43	99	0.3	99	0.43	97
Hazardous Waste Proximity (facility count/km distance)*	0.91	0.18	97	0.12	99	0.11	99
Water Discharger Proximity (count/km)	2	0.56	98	0.43	97	0.31	98
<b>Demographic Indicators</b>							
Demographic Index	61%	28%	86	24%	92	36%	82
Minority Population	66%	25%	87	22%	90	37%	77
Low Income Population	59%	31%	86	26%	91	35%	84
Linguistically Isolated Population	12%	5%	83	5%	87	5%	86
Population with Less Than High School Education	31%	15%	86	10%	94	14%	89
Population under Age 5	6%	5%	61	5%	61	6%	49
Population over Age 64	6%	15%	15	15%	11	14%	18

\*The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

\*The hazardous waste environmental indicator and the corresponding EJ index will appear as N/A if there are no hazardous waste facilities within 50 km of a selected location.

For additional information, see: [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on

appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

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