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October 16, 2017

Governor Gina M. Raimondo
82 Smith Street
Providence, RI 02903

CC: Janet L. Coit, Director
Department of Environmental Management
235 Promenade Street
Providence, RI 02908

CC: 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: Fight Climate Change and Improve Resilience by Rejecting the LNG Liquefaction Facility

Dear Governor Raimondo, Director Coit, and Executive Director Fugate,

As you well know, climate change is the greatest long term threat facing our state. It is already knocking at our door and causing damaging impacts in our state, across this nation, and around the world. We need to act urgently to do everything possible to reduce emissions, have a rapid and just transition off of our dependency on fossil fuels, and plan for adaptation and resilience. There is one immediate action that would help with all of these - stopping National Grid from building a new fossil fuel facility in a vulnerable and populated coastal area.

We, the No LNG in PVD Coalition, The Mashapaug Nahagansett Tribe and a group of fourteen elected officials, are writing you to urgently request that you join us in rejecting National Grid's Fields Point Liquefaction Facility. The proposed liquefied natural gas (LNG) production and export facility is unnecessary, risky, and short-sighted. At a time when Rhode Island should be investing in renewable

energy, improving coastal resiliency, and growing an economy of the future, this LNG facility would be a \$180 million step in the wrong direction, paid for out of the pockets of public ratepayers.

The LNG facility requires the approval of RI state agencies. The timing is urgent, with decisions on crucial permits pending over the next couple of months. The Department of Environmental Management (DEM) posted documents¹ on October 6th that show it is poised to approve a Short Term Response Action Plan (STRAP) soil remediation permit. This permit will allow National Grid to conduct construction work at the contaminated site, which has high levels of carcinogenic and hazardous materials, while only cleaning up a small portion of the site. Next, the Coastal Resources Management Council (CRMC) will be holding a hearing about the facility on November 14th and issuing a decision before the end of the year. FERC has been known as a rubber stamp agency, even before the Trump regime. Federal approval is very likely, which means that it will be up to RI state agencies to take action to stop this LNG facility.

On September 15th - midway through a devastating month that set the record for greatest Atlantic hurricane energy - FERC announced the timeline of moving towards a final decision. Despite numerous requests, FERC will not be doing a comprehensive Environmental Impact Statement and will only issue a limited Environmental Assessment, which means that there will be no public hearings.

Coincidentally, September 15th was also the date of the Governor's Executive Order "Action Plan to Stand Up to Climate Change." We applaud the Governor for announcing these proactive steps and prioritizing climate change action alongside our entire federal delegation. But rhetoric is meaningless without actions, and now is the time to take action. Allowing a major new fossil fuel facility to be built in a densely-populated disaster-prone area, near schools and hospitals, paid for and subsidized by Rhode Island ratepayers, is unacceptable. It is also incompatible with the Governor's and the State of Rhode Island's stated goals of climate mitigation, adaptation, and resiliency.

Hurricanes Harvey, Irma, and Maria are a wake up call. Storms are becoming increasingly violent, and frontline communities are the most vulnerable for the worst impacts and the slowest recoveries. We cannot pretend that catastrophic 500 or 1000 year storms only happen every 500 to 1000 years. The "new normal" we are entering is uncharted territory without reference points, and we need to be prepared for our own worst case scenarios. The LNG facility is part of our worst-case scenario.

Major hurricanes have hit Rhode Island in the past, with devastating impacts. It's not a question of if but when the next major storm will make a direct hit. This LNG liquefaction facility would be connected to an existing LNG storage tank that is almost half a century old, and in 2005 FERC rejected the Keyspan LNG import facility proposal because that tank did not meet the current safety standards. National Grid has discarded their initial plans to construct a protective barrier around the tank. The Shell Terminal, on the northern side of National Grid's site, is being sued by the Conservation Law Foundation for being

¹ <http://www.dem.ri.gov/programs/wastemanagement/site-remediation/Providence-Gas-Co.php>

dangerously unprepared for the impacts of climate change². On the southern side of National Grid's LNG tank is Univar, which stores millions of pounds of dangerous chemicals including chlorine gas, and has a worst-case impact of a 14 mile hazard radius. This is all on the wrong side of the hurricane barrier, at the mouth of Narragansett Bay where a hurricane storm surge would be amplified by a funnel effect. Any debris accumulated from the Bay, like boats, trees, or pieces of metal would be turned into battering rams. This is known as the Achilles Heel of New England, and our state's only level one trauma center, our major highway, our schools, and our neighborhoods are too close for comfort. Let's learn from Harvey's impacts on Houston and not make planning and development decisions that increase our risk and put frontline communities in greater harm. Let's learn from the tragedies in Puerto Rico and understand that the Trump regime does not care about communities of color. Local and state government needs to step in and do what's needed.

Governor Raimondo, you are fully aware how dangerous and reckless Donald Trump's climate and energy policies are. We are grateful for your decision to affirm Rhode Island's adherence to the Paris Climate Agreement. Climate science is clear on how dire our situation is and how little time we have left to make the dramatic changes necessary to avoid catastrophic runaway climate change. No matter what, adaptation is an urgent priority for a vulnerable coastal state like Rhode Island. Given the current federal administration's policies and actions, it is incumbent upon state and city governments to take greater action on climate change. Mayor Jorge Elorza recognizes that this LNG facility is incompatible with Providence's climate goals, and has actively opposed the proposed facility for over a year, along with dozens of state legislators and local elected officials. But our Governor and federal delegation have remained silent, while pledging lip service to statewide climate goals. Your leadership is urgently needed to protect our state from this federally regulated facility.

FERC is known as a rubber-stamp agency and is likely to grant an approval for the LNG facility, but we still have the power to stop this facility. States can and do have power to decide the fate of facilities under federal jurisdiction. The New York State Department of Environmental Conservation recently denied water quality permits for Millenium's Valley Lateral pipeline, and did so based on the fact that FERC's environmental review was inadequate and did not account for downstream greenhouse gas emissions from other connected projects³. While the Valley Lateral decision has been contested in court, New York recently won an appeal before the US Court of Appeals that upholds the state's rejection of the Constitution Pipeline. The Constitution was a FERC-approved project, which sets precedence for states' rights to assert authority in decision-making even if a facility is approved by federal authorities.⁴

Rhode Island has full authority to stop the proposed LNG facility as the project requires the following state approvals (*additional details attached*)

- Coastal Resources Management Council (CRMC) - Federal Consistency Certification, under federal authority of Coastal Zone Management Act

² [Case 1:17-cv-00396 - https://www.clf.org/wp-content/uploads/2017/08/2017-08-28-Dkt-1-Complaint.pdf](https://www.clf.org/wp-content/uploads/2017/08/2017-08-28-Dkt-1-Complaint.pdf)

³ NYS DEC - Valley Lateral Project <http://www.dec.ny.gov/permits/110485.html>

⁴ earthjustice.org/news/press/2017/court-upholds-new-york-state-s-rejection-of-the-constitution-pipeline

- Department of Environmental Management (DEM) - 401 Water Quality Certification, under federal authority of Clean Water Act
- Department of Environmental Management (DEM) - Short Term Response Action Plan (STRAP) soil management permit, under state authority of rules and regulations⁵

Governor Raimondo, Director Coit, and Executive Director Fugate - do not approve National Grid's applications for the Fields Point Liquefaction Facility. You are responsible for ensuring that your agencies protect the residents of Rhode Island from climate change. Join us in opposing National Grid's dangerous and unnecessary LNG project.

Signed,

Senator Gayle Goldin District 3
Senator Jeanine Calkin, District 30
Representative Edith Ajello, District 1
Representative Chris Blazewski, 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
Representative Joseph Almeida District 12
Representative Susan Donovan, District 69
Providence City Councilman Seth Yurdin, Ward 1
Providence City Councilman Sam Zurier, Ward 2
Providence City Councilwoman Nirva Lafortune Ward 3

The Mashapaug Nahagansett Tribe

No LNG in PVD - A Collective of Frontline Community Members, Grassroots Organizations and Nonprofit Organizations. Core groups:

Environmental Justice League of RI
The FANG Collective
Sierra Club - Rhode Island Chapter

⁵ <http://www.dem.ri.gov/pubs/regs/regs/waste/remreg11.pdf>

The following text and attached comment letters provide detail on the status on justification of denying the three permits required for the Fields Point Liquefaction Facility that fall under state jurisdiction:

CRMC Federal Consistency Certification

National Grid submitted their Federal Consistency Review Request on October 31, 2016. We are currently awaiting a public hearing and CRMC's decision. National Grid's proposed project is inconsistent with Rhode Island's Coastal Management Program as summarized here. Per CRMP Section 642-2.2 within the 1978 Energy Amendments demonstrated need is required. 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. Per CRMP Section 145 the proposed project is not consistent with the requirement to proactively plan for the impacts of climate change and sea level rise. 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 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. 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 industry standards in the soil and the tidally influenced groundwater. The setback requirements need to be enforced, the requested variance should be denied. Additional comments are provided in No LNG in PVD's comment letter enclosed. National Grid's proposed Fields Point Liquefaction Facility is not consistent with Rhode Island's federally approved Coastal Resources Management Program and should be denied.

DEM STRAP:

The Short Term Response Action Plan (STRAP) for National Grid's Fields Point Liquefaction Facility (DEM File Number SR-28-1152) was submitted on May 12, 2017. The Public Comment Period ended on August 10, 2017 and we await National Grid's response to comments. A STRAP is "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)." The proposed Liquefaction Facility does not meet the definition of a STRAP as a Letter of Responsibility for the Release of Hazardous Material was issued on February 13, 1998 and the site poses no Imminent Hazard. The proposed Liquefaction Facility poses an increase in potential harm to human health and the environment both short and long-term which is inconsistent with the requirements of a STRAP (DEM-DSR-01-93 Section 6.01). During the proposed construction period contaminated soil and groundwater will be handled and stockpiled at the Port of Providence which is subject to high winds and within the 100-year floodplain posing a risk of release of contaminants to the air and water. Construction will occur near existing fossil fuel infrastructure including a high pressure natural gas pipeline; excavation and pile driving could lead to a burst of the high pressure natural gas pipeline. The long term risks include increase in truck traffic while exporting LNG from the facility, increasing greenhouse gases and the effects of climate change, and yet another facility that 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. The proposed project is anticipated to take 1 to 2 years, while a STRAP may not exceed 90 days in

duration (DEM-DSR-01-93 Section 6.05). Additional concerns with the permit application are provided in the enclosed comment letter dated August 10, 2017. The proposed activities do not qualify for a STRAP, therefore DEM should deny the STRAP.

DEM Water Quality Certification:

National Grid submitted their Water Quality Certification (WQC) application on September 26, 2016. A public hearing has not been scheduled yet. We request that RIDEM follow their “Policy for Considering Environmental Justice in the Review of Investigation and Remediation of Contaminated Properties.” We request that the WQC be denied on Environmental Justice concerns.

Per our attached comment letter to DEM dated August 10, 2017, the proposed LNG facility does not meet the requirements of a Short Term Response Action Plan (RIDEM File Number SR-28-1152) and per our letter to CRMC dated January 27, 2017 the proposed LNG facility is inconsistent with CRMC regulations. We respectfully request that this project is rejected and all three state permits are denied starting with the STRAP. We request that if National Grid continues to pursue a 401 Water Quality Certification and federal consistency certification those certifications are also denied. For the safety of the community, our hospitals, and the climate, please reject the proposed LNG facility.