



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

Public Involvement Plan Process Initiation Letter

File No. SR -28-1152

Formerly Case No. 98-004

September 6, 2016

Amy A. Willoughby
Lead Environmental Scientist
New England Site Investigation & Remediation Group
National Grid
40 Sylvan Road, E3.691
Waltham, MA 02451

RE: Providence Gas Co. – AA
A.k.a. Former New England Gas Company MGP property
642 Allens Avenue, Providence, Rhode Island
Plat Map 56 / Lot 5, Plat Map 101 / Lot 1

Dear Ms. Willoughby:

On November 9, 2011, the Rhode Island Department of Environmental Management (the Department) amended the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, (the Remediation Regulations). The purpose of these regulations is to create an integrated program requiring reporting, investigation and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment in an efficient manner.

In the matter of the above referenced “Site” (as defined in the Industrial Property Remediation and Reuse Act), the Department’s Office of Waste Management (OWM) has received a written request in the form of a petition from the community, submitted in accordance with Rule 7.07.E (Public Involvement Plans) of the 2011 Remediation Regulations, that a Public Involvement Plan (PIP) be developed and approved for the Site. A copy of the petition, submitted to the Department on August 31, 2016, is included as an attachment to this letter.

The Department acknowledges that informal discussions with National Grid about the request for a PIP have already been conducted. This letter is a formal request from the Department asking National Grid to initiate the process of developing an approvable PIP associated with the planned environmental cleanup of the Providence Gas Co. – AA Site, and any other site redevelopment activities requiring remedial actions that fall under the jurisdiction of the Remediation Regulations.

Providence Gas Co. – AA, 642 Allens Avenue, Providence, RI
Request to Develop a Public Involvement Plan

September 6, 2016
Page 1 of 2

Please notify this office within seven days of the receipt of this letter of your plans and proposed schedule for conducting the PIP development process.

If you have any questions regarding this letter or would like the opportunity to meet with Department personnel, please contact me by telephone at (401) 222-2797, extension 7109 or by e-mail at joseph.martella@dem.ri.gov.

Sincerely,



Joseph T. Martella II
Senior Engineer
Rhode Island DEM
Office of Waste Management

cc: Ronald Gagnon, RIDEM/OCTA
Kelly J. Owens, RIDEM.OWM
Susan Forcier, Esq., RIDEM/OLS
Gregory Swift, RIDEM/OWR
Barbara Morin, RIDOH/Center for Healthy Homes & Environment
Rich Lucia, RI CRMC
Robert E. Azar, Providence Planning and Development
Julian Rodrigues-Drix, RIDOH & EJLRI
Margaret S. Kilpatrick, GZA

Attachment: Petition Requesting Public Involvement Plan

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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D.E.M./OWM
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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.¹

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

¹ "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.

² "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.³

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.⁴ 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

³ "Remedial Action Closure Report". November 2002.

⁴ "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.*⁵

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.”⁶ 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.⁷ 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,

⁵ 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.

⁶ *ibid*

⁷ “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	C. Kelly Smith			
2 Michael Alston	Michael Alston			
3 Viviane Hanne	Viviane Hanne			
4 LEO SCHULTZ	Leo Schultz			
5 David Rancor	David Rancor			
6 Lauren Frit	Lauren Frit			
7 Julian Drix	Julian Drix			
8 Gina Rodriguez	Gina Rodriguez			
9 Christopher Leuth	Christopher Leuth			
10 Leann Letellier	Leann Letellier			
11 Charlene Sampson	Charlene Sampson			
12 Benjamin Chaplin	Benjamin Chaplin			
13 LESLIE NORRIGA	Leslie Norriga			
14 Justin Hernandez	Justin Hernandez			
15 Aleita Cook	Aleita Cook			
16 Seena Chhan	Seena Chhan			
17 Jesus Holguin	Jesus Holguin			

36. Christina Ergas

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 JENITA COOK	Jenita Cook			
19 Ivan Calderon	Ivan Calderon			
20 Sheila Calderon	Sheila Calderon			
21 KEITH OLIVEIRA	Keith Oliveira			
22 Ezequiel Lomba	Ezequiel Lomba			
23 Angela Ankoma	Angela Ankoma			
24 Monica Huertas	Monica Huertas			
25 [Signature]	[Signature]			
26 Justice Gaines	Justice Gaines			
27 JARON BROWNE	Jaron Browne			
28 Patrick Him	Patrick Him			
29 Sabine Adrian	Sabine Adrian			
30 SUON KEN	Suon Ken			
31 Danny Suay	Danny Suay			
32 ERIC LARSON	Eric Larson			
33 KATE AUBIN	Kate Aubin			

34 Tommy Slay Tommy Slay
 35 Cristina Cabrera Cristina Cabrera