



December 3, 2018

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

Re: National Grid LNG LLC, Docket No. CP16-121-000  
Fields Point Liquefaction Project  
Monthly Status Report for November 2018

Dear Secretary Bose:

On October 17, 2018, the Commission issued the Order Issuing Certificate (“Certificate Order”) granting a certificate of public convenience and necessity to National Grid LNG LLC (“National Grid”) in the above captioned docket for the Fields Point Liquefaction Project (the “Project”). *National Grid LNG LLC*, 165 FERC ¶ 61,031 (2018). National Grid filed its acceptance of the certificate of public convenience and necessity on October 29, 2018 and the Implementation Plan was filed on November 1, 2018.

As required by Environmental Condition 8 of the Certificate Order, National Grid is submitting the Monthly Status Report for November 2018 reporting period. As noted in the report, during this reporting period the Rhode Island Department of Environmental Management (“RIDEM”) issued a permit order with the Section 401 Water Quality Certification and the General Permit for Stormwater Discharge for construction activity. The RIDEM order is provided as Attachment 1.

If you have any questions about this submission, please contact me at 781-907-3575.

Respectfully submitted,

*/s/ Patrick A. Chaney*

Patrick A. Chaney  
Lead Project Manager – New England LNG  
Capital Delivery, Gas – Complex Project  
Management  
[Patrick.Chaney@nationalgrid.com](mailto:Patrick.Chaney@nationalgrid.com)

cc: Service List

## MONTHLY STATUS REPORT FOR NOVEMBER, 2018

On October 17, 2018, the Commission issued the Order Issuing Certificate (“Certificate Order”) issuing a certificate of public convenience and necessity to National Grid LNG LLC (“NGLNG”) in the above captioned docket for the Fields Point Liquefaction Project (the “Project”). *National Grid LNG LLC*, 165 FERC ¶ 61,031 (2018). Pursuant to Environmental Condition No. 8 of the Certificate Order, NGLNG provides its monthly status report for the month of November, 2018

### **Update on Federal Authorizations**

The status of all required Federal authorizations is shown in the table below, with new items highlighted. During this reporting period the Water Quality Certification was issued on 11/21/2018, and the order included the General Permit for Stormwater Discharge for construction activity. A copy of the order is provided as Attachment 1 to this report.

<b>Permits/Approval/Requirement</b>	<b>Agency</b>	<b>Status</b>
Certificate of Public Convenience and Necessity	Federal Energy Regulatory Commission	Issued October 17, 2018
Section 7 of the Endangered Species Act Consultation	U.S. Fish and Wildlife Service	Consultation not required
Essential Fish Habitat	National Marine Fisheries Service	Consultation not required
Coastal Zone Management Consistency Review	Rhode Island Coastal Resources Management Council (“RI CRMC”)	Decision issued December 20, 2017
401 Water Quality Certification (WQC)	Rhode Island Department of Environmental Management (“RIDEM”)	Certificate issued November 21, 2018
General Permit for Stormwater Discharge for construction activity (issued as part of WQC approval)	RIDEM	Certificate issued November 21, 2018
Emergency Generator Permit	RIDEM	Permit issued October 31, 2016
Short Term Remedial Action Plan	RIDEM	Approval letter issued October 27, 2017
Section 106 National Historic Preservation Act Consultation	Rhode Island Historic Preservation Office	Completed March 23, 2016
Soil Erosion and Sediment Control Ordinance	City of Providence	Application submitted February 27, 2017

### **Project Schedule – Construction Status and Work Planned**

- There were no onsite mobilization or construction activities to report for this reporting period and none are anticipated for the next reporting period.

- The former propane house demolition has been planned; contract has been awarded and safety study completed. A request to perform this task shall be submitted during the next reporting period. This pre-ISP task is currently scheduled to begin during the first week of January 2019 and completed by January 30, 2019.
- National Grid has developed a work plan to perform a condition assessment evaluation of representative existing piles supporting pre-existing structural foundations. This assessment work is anticipated to be performed during the January reporting period.

**Problems Encountered and/or Instances of Non-Compliance and Corrective Actions**

The problems encountered, contractor nonconformance/ deficiency logs, and each instance of noncompliance observed by the EI during this reporting period are shown below along with the corrective and remedial actions taken and the effectiveness the implemented actions.

Problems and Noncompliance		
Problem/Noncompliance	Remedial Action Taken	Effectiveness of Corrective Action
None for this period		

An Environmental Inspector (EI) was not employed for this reporting period as site work has not begun.

**Landowner/Resident Complaints**

None

**Correspondence Received From Other Agencies Concerning Noncompliance**

None

**Special Inspector's Report**

A Special Inspector (SI) was not employed for this reporting period as site work has not begun. In reporting periods with work at the site, the SI's report will be appended hereto.

National Grid LNG LLC, Docket No. CP16-121-000  
Fields Point Liquefaction Project  
Monthly Status Report for November 2018  
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## ATTACHMENT 1

RIDEM Order -- Water Quality Certification



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 21, 2018

National Grid LNG, LLC  
c/o Mr. William Howard  
40 Sylvan Road  
Waltham, MA 02451

**RE: Water Quality Certificate - National Grid LNG Facility  
Plat 56, Lots 5, 316 & 317; and Plat 101, Lot 1; 642 Allens Avenue, Providence  
WQC File No. 16-171; RIPDES RIR101477**

Dear Mr. Howard:

The RIDEM-Office of Water Resources has reviewed the above referenced project for compliance with the State Water Quality Regulations (WQR), the Rhode Island Pollutant Discharge Elimination System Construction General Permit (RIPDES CGP) Regulations, and the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). The project involves the construction of a natural gas liquefaction facility on a portion of the subject property adjacent to an existing liquefied natural gas (LNG) tank. The new plant will tie into the existing high-pressure gas line that enters the site from the east (Providence River) and will be used to fill the existing LNG tank during low-demand summer months for use during high demand months. A new outfall will be constructed for the discharge of treated stormwater to the Providence River.

We have reviewed the subject application and site plans for the project entitled "National Grid, Proposed Liquefaction Project, 642 Allens Avenue / 121 Terminal Road, Providence, Rhode Island", sheets 1, 2, 2A, 2B, 2C, 2D, and 3 through 14 (aka sheets 1 through 18 of 18), dated October 2016, Revision 1 March 27, 2017, and Revision 2 June 28, 2018, date stamped by the Department on July 20, 2018, prepared by Sara Haupt, P.E., of GZA GeoEnvironmental, Inc. of Providence, Rhode Island. The State Water associated with this project is the Providence River, Class SB1 {a}.

On January 31, 2018, a Public Hearing was held at the Veterans Memorial Auditorium in Providence to hear comments from parties interested in the above-referenced proposed natural gas liquefaction plant. The Public Hearing was offered by the Department in response to requests made in accordance with Rule 15D(3) of the Water Quality Regulations (WQR). In accordance with these requirements, a Public Notice for this Hearing was provided to all direct abutters of the subject property, those interested parties requesting the Hearing, as well as the Providence Journal and postings in multiple public spaces within the subject site vicinity. The Public Comment period was also extended through February 15, 2018 for those who may not have been able to attend the Public Hearing or otherwise provide comments

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during the public comment period.

The purpose of this Hearing was to afford interested parties an opportunity to submit data, views, arguments, orally or in writing, on the proposed project. The Hearing was recorded by a stenographer and the transcript has been submitted to the Department and added to the public file.

The Department reviewed the Public Comments related to the proposed Water Quality Certification Application filed in accordance with the RI Water Quality Regulations, the RIPDES Regulations and the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). The Public Hearing Transcript, a Response to Comments and all associated exhibits including the complete Plans and Engineering documents can be viewed on RI DEM's website at <http://www.dem.ri.gov/programs/water/permits/water-quality-certification.php>.

After reviewing all written and oral comments received during the comment period and at this Public Hearing, the RI DEM has responded to all significant comments related to the water quality regulations or water quality addressing all applicable and relevant comments. The Department has required the application materials to be amended as appropriate, has deemed the application complete, and has made a decision to issue a final permit.

It has been determined that this project meets the requirements of the Water Quality and RIPDES Regulations and has been reviewed consistent with the 2010 Rhode Island Stormwater Design and Installations Standards Manual (RISDISM) provided that the applicant complies with the above-referenced plans and the following conditions:

- 1) You **must** notify the RIDEM contact person identified below of the anticipated date of construction and your contractor's contact information, prior to any site disturbance.
- 2) Prior to construction, proper erosion and sedimentation controls/procedures, as identified in the above-referenced plans are installed and maintained in functional condition for the duration of the construction project.
- 3) Prior to construction, you **shall** erect or post a sign resistant to the weather and at least twelve (12) inches wide and (eighteen) inches long, which boldly identifies the initials "DEM" and the application number(s) assigned to this permit. The sign must be maintained at the site in a conspicuous location until such time that the project is complete.
- 4) A copy of this permit, any inspection records, and a signed and updated Soil Erosion and Sediment Control (SESC) Plan **must** be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit must be made available for review by any DEM or City representative upon request.
- 5) All material used for fill and construction **shall** be clean and free of matter that could cause

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pollution of the waters of the State.

- 6) The stormwater collection and treatment system approved herein is for the discharge of stormwater only. Any other discharge is prohibited.
- 7) This Water Quality Certificate for the construction phase of this project shall expire on November 21, 2021. Project construction is to be completed by this date. You shall be required to submit a request for any modification(s) and/or extension(s). Any such request must be submitted sufficiently in advance of the expiration date noted above.
- 8) Within thirty (30) days after completion, a Notice of Completion of Construction and Installation (or Notice of Termination for the CGP) confirming that construction and installation has been completed in accordance with the approved plans **shall** be submitted to the DEM Office of Water Resources. Please be aware that if modifications are made to the SESC Plan, they must be made in accordance with Part III.F, which states "The owner and operator shall amend the SESC Plan within seven (7) days whenever there is a change in design, construction, operation, maintenance or other procedure which has a significant effect on the potential for the discharge of pollutants, or if the SESC Plan proves to be ineffective in achieving its objectives." In addition, the SESC Plan shall be amended to identify any new operator that will implement a component of the SESC Plan. The amended SESC Plan must be kept on file at the construction site and any SESC Plan modifications must be documented. Any amendments to control measures which involved the practice of engineering, must first be reviewed, signed, and stamped by a Professional Engineer registered in the State of Rhode Island. The DEM reserves the right to review any SESC Plan amendments in the same manner as described in paragraph III.E. Please be aware that if modifications are necessary during the construction of the post-construction stormwater system that would affect the system's ability to meet the Standards and Performance Criteria in the Stormwater Management, Design, and Installation Rules (250-RICR-150-10-8) they must be done in accordance with Request for modification of approval shall be in accordance with §§ 1.16 and 1.17 of the Water Quality Regulations (250-RICR-150-05-1).

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31<sup>st</sup> of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page <http://www.dem.ri.gov/stormwaterconstruction>.

Tolling is not applicable to the Federally Authorized "Stormwater Discharge Associated with Construction Activity" CGP 2013 permit. Your authorization to discharge **expires at midnight, on September 25, 2020**. If construction and final stabilization has not been completed by that date, you must maintain coverage by re-authorizing the project in accordance with the deadlines for requesting

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authorization in the re-issued CGP. The Department will notify all permittees through the public notification process as the CGP is re-issued. The final CGP will contain deadlines and instructions for re-authorization.

In addition to any necessary enforcement actions stemming from the violation of any of the terms or conditions of this Water Quality Certificate, issuance of this Water Quality Certificate does not bar the Department, or any of its various Divisions, from instituting any investigation and/or enforcement actions that it may deem necessary for violations of any and all applicable statutes, regulations and/or permits, including but not limited to violations of the terms or conditions of any previous Water Quality Certificate(s) issued to you as an applicant or for this site.

This is the State's Water Quality Certification, which shall have the full force and effect of a permit issued by the Director. Violation of the terms and conditions of this Certification may result in violation of the State's Water Quality Regulations and appropriate enforcement action.

Sincerely,



Eric Beck, P.E., Chief  
Groundwater and Freshwater Wetlands Protection  
Office of Water Resources

ec: Dave Reis, RI CRMC  
Taylor Bell, USACOE  
Igor Runge, GZA  
Joseph Martella, RIDEM OWM  
Susan Forcier, Esq., RIDEM OLS  
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Andrew Poyant  
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Jim Frain  
Wassa Bagayoko  
Harry August  
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Timmons Roberts  
John Gonzalez  
Monica Huertas  
Kenneth Payne



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Taylor Ellis  
Jennifer Brown  
Ellen Tuzzolo  
Justin Bryan  
Vikki Warner  
Lily Gordon  
Kate Schapira  
Claire Miller  
Aaron Jaenig  
Jeanine Calkin

Attachments:

Response to Public Comments 11-21-18

**Response to Comments RE: Water Quality Certificate – Proposed National Grid LNG Facility  
Plat 56, Lots 5, 316 and 317; 642 Allens Avenue, Providence  
WQC File No.: 16-171; RIPDES RIR101477**

**November 22, 2018**

**RESPONSES TO WRITTEN COMMENTS SUBMITTED DURING COMMENT PERIOD:**

The initial Water Quality Certification Application from the Applicant was received in September of 2016. The Applicant was concurrently filing applications with FERC, CRMC, and RI DEM Office of Water Management (OWM) regarding siting and operations of the facility and the associated Site Remediation process. The RI DEM did not Notice the Water Quality Certification Application at that time due to the on-going concurrent proceedings. In April 2017, the Applicant submitted an updated WQC Application to reflect changes to the proposed project. In October 2017, the RI DEM WQC Program provided Notice of the WQC Application. During this time period both the Seirra Club and the No LNG Coalition copied the Water Quality Certification Program on emails transmitting correspondence submitted to FERC, the Governor's Office, RIDEM, and CRMC that pertained to the on-going FERC, CRMC, and RI DEM OWM processes and pertained to issues beyond the scope of the RI Water Quality Regulations and the RIPDES General Permit for Construction Activity. The public record reflects receipt of these emails and can be viewed upon request.

During the Public Notice and Comment Period (October 18, 2017 – November 20, 2017), the RI DEM OWR received multiple phone calls and the following written comments from Monica Huertas representing the No LNG Coalition requesting to hold a Public Hearing and to extend the Public Comment period.

The RI DEM Office of Water Resources received written comments during the Public Comment period from Eugenia Marks, dated December 4, 2017 and received December 6, 2017 (Exhibit 1).

On March 30, 2018, the Office of Water Resources completed the review of the Application and Public Comments received and issued technical comments (Exhibit 2).

On July 20, 2018, the OWR received a response to comments from the Applicant (Exhibit 3).

The OWR completed a review of the Applicant's July 20, 2017 submittal and in a September 14, 2018 meeting, OWR transmitted additional written comments and a request for information (Exhibit 4).

On October 25, 2018 the Applicant submitted a final response to comments dated October 25, 2018 (Exhibit 5).

All exhibits can be viewed on RI DEM's website at:

<http://www.dem.ri.gov/programs/water/permits/water-quality-certification.php>.

This web page Document Index does not include all public records for this application including the final approved Plans and Engineering documents. If you wish to complete a review of all documents related to this site, please request a file review with RIDEM's Office of Customer and Technical Assistance.

The Office of Water Resources has reviewed the Applicants July 2018 and October 2018 response to comments and has determined the Application is complete and the responses adequately address the relevant Public comments and the technical comments issued by the RI DEM Office of Water Resources.

#### **ORAL COMMENTS AND RESPONSES FROM HEARING:**

On January 31, 2018, a Public Hearing was held at the Veterans Memorial Auditorium in Providence to hear comments from parties interested in the above-referenced proposed natural gas liquefaction plant. The Public Hearing was offered by the Department in response to requests made in accordance with Rule 15D(3) of the Water Quality Regulations (WQR). In accordance with these requirements, a Public Notice for this Hearing was provided to all direct abutters of the subject property, those interested parties requesting the Hearing, as well as the Providence Journal and postings in multiple public spaces within the subject site vicinity. The Public Comment period was also extended through February 15, 2018 for those who may not have been able to attend the Public Hearing or otherwise provide comments during the public comment period.

The purpose of this Hearing was to afford interested parties an opportunity to submit data, views, arguments, orally or in writing, on the proposed project. The Hearing was recorded by a stenographer and the transcript has been submitted to the Department and added to the public file. The proposed project consists of constructing a new natural gas liquefaction facility on a portion of the subject property adjacent to an existing liquefied natural gas (LNG) tank. The new plant will tie into the existing high-pressure gas line that enters the site from the east (Providence River) and be used to fill the existing LNG tank during low-demand summer months for use during high demand months. A new outfall for treated stormwater discharge to the Providence River is also proposed. No other discharges are proposed associated with the facility nor the facility operations.

Some of the submitted comments address topics beyond the scope of the RI Water Quality Regulations, RIPDES General Permit for Construction Activity and the RISDISM, concerning the siting and federal licensing of the liquefaction facility, and therefore did not require responses from RI DEM under this regulatory process. A copy of this letter is being sent to the Federal Energy Regulatory Commission (FERC) which has authority over the siting and federal licensing of the liquefaction facility. Certain other comments and questions required responses from the Department and are addressed below.

Because many of the comments and questions were repeated by commenters, the Department is addressing each applicable topic in a response, rather than repeating the same response numerous times throughout this document. The Department also addresses all significant and relevant comments that were received during the Public Hearing by providing a specific reference to the page and line of the Public Hearing Transcript.

1. Comments were made related to the adequacy of the Public Notice, Public Hearing process and choice of venue.

Response: The hearing was conducted under the authority of the RI Water Quality Regulations. The RI DEM provided Public Notice to all abutters, City officials, and individuals and advocacy groups that have requested notification of all RI DEM WQC Public Notices in a mailing dated October 18, 2017. In correspondence dated November 7, 2017 the RI DEM received a request for an extension to the public comment period and for a Public Hearing. Public Notice of this Public Hearing and an extension of the public comment period was published on RI DEM's Website, in the Providence Journal on January 13, 2018, posted in many public places such as health centers, local schools, places of worship, three public libraries and six community centers. On January 15, 2018, a direct mailing was sent to abutters and a list of community members that signed a petition to receive notifications from the RI DEM associated with recent RI DEM hearings regarding these activities. The Public Comment Period closed on February 15, 2018 at 4:00 p.m. Detailed plans and specifications were available to be viewed at the RI DEM Office in Providence during the comment period. The Public Hearing was held at the Veteran's Memorial Auditorium, located at 1 Avenue Of The Arts, Providence, RI. This site was selected because it was the only location that was reasonably proximate to the site which had convenient public transportation available and could accommodate the number of people the Department was led to believe would participate and had facilities to support the translation services and hearing and sight impaired.

2. Various comments and/or statements received indicating that the speaker or submitter of the comment is in opposition to the permitting, construction and/or operation of National Grid's proposed Liquefaction Facility.

Response: While the permitting of the Liquefaction Facility is outside the scope of the Department's Water Quality permitting process, the Department acknowledges that a significant percentage of comments from the public and community indicated a clear opposition to the overall Liquefaction project. Public comments regarding the permitting of the Liquefaction Facility should be addressed to the appropriate permitting authority for that project, which is the FERC, under Docket #CP 16-121-000, [www.ferc.gov](http://www.ferc.gov). That would include all questions about the chosen location of the facility and concerns about the design, construction, and operational safety of the facility. This letter and all the public comments received by the Department have been submitted to the FERC.

3. Suggestions, requests and/or demands that the Department stop the Liquefaction Facility project by not issuing a Water Quality Certification to National Grid for the proposed project.

Response: Under the RI Water Quality Regulations and the RIPDES Regulations, the Department's authority over the proposed activities is limited to discharges of stormwater and waste waters to Waters of the State and does not extend to facility siting issues or reviews which are federally regulated by the FERC. The Applicant proposes to discharge stormwater to the Providence River. However, the Applicant does not propose discharges of wastewater to a

Waters of the State. The Department acknowledges and understands that the opponents of the Liquefaction Facility hope to prevent the Liquefaction project by requesting that the Department not issue a Water Quality Certification. However, it is the position of the Department that it does not have the discretion to refuse to allow an Applicant to redevelop its property, nor does it have the ability to arbitrarily refuse to approve a stormwater discharge if that discharge is consistent with the requirements of the Water Quality Regulations and RIPDES Regulations, even if there is significant public opposition to the proposed reuse of the property. As stated in the above response, the appropriate agency to address questions, comments, concerns and opposition to the Liquefaction Facility Project is the FERC. The Department does not have the authority to control or change a Site's current or proposed usage as long as that usage is compliant with the Regulations. That authority typically rests with the local zoning board, other municipal offices, and local, state and/or federal facility permitting authorities as applicable (e.g. Public Utilities Commission (PUC), FERC, etc.).

4. Comments regarding public safety and human health concerns during remedial and /or construction activities or future operations of the facility.

Response: The community's safety concerns and objections to the project extend outside the Department's jurisdictional authority and regulatory limits under the Water Quality and RIPDES Regulations, and therefore outside the current public process. Questions and concerns related to the safety and operation of the existing LNG Facility, or construction, design and operation of the proposed Liquefaction facility, should be addressed to the appropriate regulatory authority (e.g. PUC, FERC, Occupational Safety and Health Administration (OSHA), etc.).

Properly implemented erosion, sedimentation, dust and vapor monitoring and control procedures conducted under the final Department approved STRAP and SESC Plan will limit significant increased potential for short-term harm during STRAP activities involving the disturbance of impacted soil or groundwater during remedial activities. (Please also see National Grid's Response to Public Comments, Attachment K, page 14, Response 53, and Attachment M, page 4, Response paragraphs 2 - 5, for additional clarification regarding National Grid's procedures during earthwork activities and preparation for extreme weather events). This document is available at RI DEM's Website at <http://dem.ri.gov/programs/wastemanagement/site-remediation/Providence-Gas-Co.php>

*Please note that specific page and line references are made to the Public Hearing Transcript*

5. **Page 16, starting on Line 4: John Gonzalez:** "...the LNG in Providence, we have these fossil fuel infrastructure projects trying to extract millions of gallons of potable drinking water from our reservoirs,"

**Response:** The supply of potable water to the site is not subject to Departmental review as part of the Water Quality Certification or the RIPDES Construction General Permit Applications.

Issues regarding the availability of water would be addressed by the City of Providence and the Providence Water Supply Board. Issues related to quality of potable water would be addressed by the RI Department of Health.

6. **Page 17, starting on Line 18: Kate Shapira:** "... if humans make it and it goes into the water in a concentration that it can effect human health, it shouldn't be there and every step possible should be taken to prevent it from going into the water...."

**Response:** The Applicant is not proposing any discharges of wastewater to a Water of the State. Stormwater discharges are managed by the proposed stormwater collection and treatment system that meets the requirements of the Water Quality Regulations and the RI SWDISM; Stormwater Management Standards and Performance Criteria of Standard Three "Water Quality" and Chapter 5 "Structural Stormwater Treatment Practices for Meeting Water Quality". The Applicant has also submitted, and the Department has approved, a Stormwater Pollution Prevention Plan. Minimum Standard 7: Pollution Prevention of the RI SWDISM requires that "All development sites require the use of source control and pollution prevention measures to minimize the impact that the land use may have on stormwater runoff quality." The intent of this standard is to prevent, to the maximum extent practicable, pollutants from coming into contact with stormwater runoff. These measures have been outlined in a stormwater pollution prevention plan which complies with the applicable regulations.

7. **Page 17, starting on Line 18: Kate Shapira:** ", any kind of decision should be based on the worst possible confluence of events, the worst storm combined with the worst flooding, combined with the worst wind event, ..."

**Response:** The project was evaluated according to all applicable design requirements provided within the RI Water Quality Regulations and the RI Stormwater Design and Installation Standards Manual.

8. **Page 17, starting on Line 23: Kate Shapira:** "for Standard Two, which has to do with groundwater recharge, National Grid is not meeting the requirements of Groundwater Recharge and is using the excuse the site is contaminated so it can't fully comply..."

**Response:** Minimum Standard 2 of the RI SWDISM entitled "Groundwater Recharge" states that stormwater must be recharged within the same subwatershed to maintain baseflow at pre-development recharge levels to the maximum extent practicable in accordance with the requirements and exemptions described in Section 3.3.2. The objective of the groundwater recharge standard is to protect water table levels, stream baseflow, wetlands, and soil moisture levels. Recharge must occur in a manner that protects groundwater quality. Sites bordering coastal waters are not required to infiltrate unless it is necessary to protect water table levels, stream baseflow, wetlands, and soil moisture levels. The Department has determined that this site is not required to infiltrate.

In addition, some exemptions to the recharge criteria are necessary to ensure public safety, avoid unnecessary threats of groundwater contamination, and avoid common nuisance issues. The stormwater recharge requirement may be specifically waived if an applicant can demonstrate a physical limitation that would make implementation impracticable or where unusual geological or soil features may exist such as significant clay deposits, ledge, fill soils, contaminated soils, or areas of documented slope failure.

Therefore, since groundwater recharge is not necessary to protect water table levels, stream baseflow, wetlands, and soil moisture levels the Recharge Standard has been waived ensure public safety, avoid unnecessary threats of groundwater contamination, and avoid common nuisance issues

9. **Page 18, starting on Line 7: Kate Shapira:** “Standard Three, National Grid doesn’t address potential contaminants for storage of condensate, ...”

**Response:** There are no proposed waste streams associated with the operations at this facility. The “condensate” is moisture drawn from the air that collects on the exterior of piping due to air temperature differences and is not regulated by the Department.

10. **Page 18, starting on Line 15: Kate Shapira:** “There are also some concerns about Standard Five to do with fill in the Floodplain.

**Response:** The objective of Standard Five is to prevent an increase in the frequency and magnitude of overbank flooding and to protect downstream and abutting structures from flooding. The Applicant is proposing a discharge to the Providence River. The criterion can be waived for sites that propose direct discharge to a large river (i.e., 4<sup>th</sup>-order stream or larger. See Appendix I for State-wide list and map of stream order), bodies of water > 50.0 acres in surface area (i.e., lakes, ponds, reservoirs), or tidal waters. Because the Providence River is such a water body, this criteria was unnecessary and was appropriately waived.

11. **Page 26, starting on Line 21: Wassa Bagayoko:** “...the water shall be kept free of manmade pollutants, which is exactly what this facility proposes into putting into the water at levels that have a negative effect on human health.”

**Response:** With the exception of treated stormwater from roof and roadway surfaces, there are no discharges proposed associated with this facility and its operations. The proposed Stormwater Treatment System meets Minimum Standard 3: Water Quality. Treatment practices targeted to remove pollutant(s) of concern and/or to achieve higher pollutant removal efficiencies may be required for impaired receiving waters, and for those areas where watershed plans, including Special Area Management Plans (SAMPs) or Total Maximum Daily Load (TMDLs), have been completed. The Applicant has provided adequate treatment to address the pollutants of concern. In some cases, the permitting agencies may require that an applicant prepare and submit a pollutant loading analysis (PLA) developed

in accordance with the provisions of Appendix H. The Application Materials demonstrate that the design complies with the Departments guidance for RISDISM Appendix H.3: Water Quality Goals and Pollutant Loading Analysis Guidance for Discharges to Impaired Waters “Stormwater Compensation Method”

12. **Page 29, starting on Line 11: Justin Boyan:** “, when the water laps up against this revetment and the built-up fill, all those chemicals that are in that fill, ...”

**Response:** Both the OWM and the OWR have strict requirements related to the use of clean fill only, which is a standard condition in all WQC permits, including this one.

13. **Page 30, starting on Line 24: Lilly Gordon:** (in reference to an undated historical storm with a 9-foot increase in water level), “Can this facility withstand a flood like that in Providence?”

**Response:** The proposed facility was designed according to the most recent FEMA and FERC recommendations and requirements.

14. **Page 32, starting on Line 6: Taylor Ellis:** “, water quality standard eight, land uses with higher potential pollutant loads, the National Grid claims, the site is not a land use with higher potential pollutant loads, ...”

**Response:** Under the “Glossary of Terms” within the RISDISM, a land use with higher potential pollutant loads (LUHPPL) is defined as “Area where the land use has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.” Stormwater runoff from a LUHPPL (classified in Table 3-2) shall not be recharged to groundwater, unless it has been adequately treated for the pollutant of concern as determined by the approving agency. The recharge prohibition at LUHPPLs applies only to stormwater discharges that come into contact with the area or activity on the site that may generate the higher potential pollutant load. In addition, infiltration practices should not be used where subsurface contamination is present from prior land use due to the increased threat of pollutant migration associated with increased hydraulic loading from infiltration systems, unless the contamination is removed and the site has been remediated, or if approved by DEM on a case-by-case basis. Therefore, the Department has waived the Recharge requirement for areas where infiltration is not appropriate as identified in the approved Strap and where it is infeasible due to site conditions, and required the submitted Pollution Prevention Plan address areas within the site that are the location of activities in Table 3-2: Auto fueling facilities (i.e., gas stations); Exterior vehicle service, maintenance and equipment cleaning areas; Road salt storage and loading areas (if exposed to rainfall); and Outdoor storage and loading/unloading of hazardous substances, in order to ensure that infiltration/recharge won’t occur in those areas.

15. **Page 32, starting on Line 12: Taylor Ellis:** “National Grid is not providing any flood storage to mitigate filling of more than 10,000 cubic yards of floodplain, ...”



**Response:** As stated earlier, the Department does not evaluate flood displacement for sites bordering coastal waters within the jurisdiction of the Coastal Resources Management Council (CRMC)

16. **Page 32, starting on Line 22: Taylor Ellis:** “I believe that a facility of this type may have cooling water discharge that’s going to be going, ... in the bay.”

**Response:** There are no proposed cooling water discharges related to operations at the proposed facility.

17. **Pages 35-36: Vickie Warner:** Ms. Warner’s comments were related to the location of the facility, and risks associated with flooding.

**Response:** As stated earlier, the proposed facility was designed according to the most recent FEMA and FERC recommendations and requirements.

18. **Page 39, starting on Line 13: Colin Kent-Daggett:** “...the risk of pollution entering the water during construction and operation of this facility.”

**Response:** As stated earlier, the construction is being performed under an OWM approved STRAP, and the Applicant has developed a Soil Erosion and Sediment Control Plan that addresses Pollution Prevention during Construction. The Applicant has also developed an Operations and Maintenance Plan – Liquefaction Plant Stormwater Systems, included in Appendix F, which can be found in the final application materials. Recommendations provided in Appendix G of the RISDISM were used as guidance.

19. **Page 39, starting on Line 17: Colin Kent-Daggett:** “...site is within the floodplain only increases the risk of pollution, ...”

**Response:** As stated earlier, the proposed facility was designed according to the most recent FEMA and FERC recommendations and requirements.

20. **Page 46, starting on Line 15: Jim Frain:** “We know that having this new plant here will cause thermal discharge.”

**Response:** As stated earlier, with the exception of the discharge of post-treatment stormwater, there are no proposed discharges of any kind related to operations at the proposed facility.

21. **Page 60, starting on Line 21: Andrew Poyant:** “This area, this facility is going to produce hazardous materials, it is contaminated, and it should be fully cleaned up.”

**Response:** As stated previously, the proposed facility operations do not produce any on-site waste stream. Additionally, the remediation of the existing facility site is under the regulatory

authority of the Office of Waste Management (OWM) and the RI DEM Site Remediation Regulations.

22. **Page 61, starting on Line 3: Andrew Poyant:** "...saying that this is not land use with higher potential pollutant loads."

**Response:** As stated previously, the proposed facility operations do not meet the definition of LUHPPL as stated within the RISDISM.

23. **Page 61, starting on Line 14: Andrew Poyant:** "... no matter how National Grid ends up setting it up, some of this contaminated soil is going to end up in the water..."

**Response:** The project as proposed meets all required regulatory requirements related to site management for construction of the facility. Additionally, as stated earlier, the site work will also be monitored as required by the OWM under the approved STRAP. Refer to Section 3 of the SESC Plan (Appendix D of the submitted application report).

24. **Page 70, starting on Line 17: Andrew Poyant:** "... I have seen it's over 10,000 cubic yards that's going to be filled within the floodplain, ..."

**Response:** As stated earlier, the Department does not evaluate flood displacement for sites bordering coastal waters.

25. **Page 71, starting on Line 4: Andrew Poyant:** "One of the definitions in the water quality cert is habitat, habitat is biological, chemical and physical. In urban environment the biological are the people."

**Response:** The habitat referred to within the WQR that is under the purview of the OWR is the aquatic habitat, in other words the receiving body of water. As stated earlier, the only discharge related to the proposed facility is post-treatment stormwater.

26. **Page 72, starting on Line 18: Taylor Ellis:** "there will be wastewater emissions, they are going to get into the bay, ..."

**Response:** As stated earlier, with the exception of the discharge for post-treatment stormwater, there are no proposed discharges of any kind related to operations at the proposed facility.

27. **Page 82, starting on Line 5: Aaron Jaehnig:** "So, if the National Security Agency thinks that this facility, ..., is too dangerous for people to even be on and you think it's not going to have any effect on the water, ..."

**Response:** Public access was not denied due to contamination issues as suggested, but rather due to national security issues at a facility that is part of the regional power supply.

28. **Pages 93, starting on Line 14: Andrew Poyant:** “There’s condensate from creating LNG that was never discussed...”

**Response:** The only condensate produced from operations at the proposed facility form on the outside of pipes due to thermal differences. The condensate consists of moisture drawn from the atmosphere and is not considered by the Department to be part of any waste stream.