

**STATE OF RHODE ISLAND  
ENERGY FACILITY SITING BOARD**

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IN RE: SEA 3 PROVIDENCE, LLC PETITION	)	
FOR DECLARATORY ORDER REGARDING	)	
THE RAIL SERVICE INCORPORATION	)	DOCKET SB-2021-03
PROJECT (PROVIDENCE, RI)	)	

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**NOTICE OF INTERVENTION  
OF CITY OF PROVIDENCE**

**I. Introduction**

The City of Providence (“the City”), pursuant to Energy Facility Siting Board (“EFSB” or “the Board”) Rules of Practice and Procedure 1.10(A)(1), respectfully files its Notice of Intervention in this Docket.

Pending before the Board is a petition for a declaratory order filed by Sea 3 Providence, LLC (“Sea 3”) requesting the Board to declare that its proposed rail service addition and other associated enhancements to its liquid propane gas (“LPG”) facility located at 25 Fields Point Drive in Providence, Rhode Island is not an “alteration” of a major energy facility as defined by the Energy Facility Siting Act and thus does not require a full application to and review by the Board pursuant to that Act. *See* R.I. Gen. Laws §§ 42-98-1, *et seq.* Providence opposes Sea 3’s petition—and urges the Board to find that the proposed changes to Sea 3’s energy facility require full application and review by the Board—because the proposed project poses significant potential impacts to the environment, and to the public health, safety and welfare of Providence’s residents and businesses.

## **II. The Intervenor**

The City is a duly-organized municipal corporation existing under a home rule charter under the Rhode Island Constitution. Pursuant to the Board's Rules of Practice and Procedure 1.10(A)(1), the City has a recognized right and/or interest in this proceeding because Sea 3's facility is located in Providence.

## **III. Providence's Position in This Proceeding**

Although Sea 3 describes the proposed changes to its facility as an "ancillary modification," its proposal involves the addition of rail service delivery of LPG to its current sea vessel-only delivery terminal, including up to sixteen rail cars of LPG per day, the incorporation of a currently vacant adjacent lot into its daily operations, the installation of various other equipment to allow for the offloading of LPG into six new 90,000-gallon storage tanks, and the addition of two more tractor-trailer truck lanes for offloading, among other changes. Sea 3 acknowledges that these alterations are intended to expand its operational capacity, emphasizing that they are needed in order for Sea 3 to meet the projected growing demand for LPG over the next decade in the state and region. Sea 3 further recognizes that these "operational enhancements" require various approvals from the State Fire Marshall, the Coastal Resources Management Council, the Rhode Island Department of Environmental Management, as well as Development Plan review from the City. Sea 3's petition is supported by a 33-page Site Report and more than 400 pages of exhibits.

It is axiomatic that a proposal of this magnitude constitutes an “alteration” of a major energy facility requiring full review by this Board. The proposed changes to Sea 3’s LPG terminal constitute “a significant modification to a major energy facility, which ... will result in a significant impact on the environment, or the public health, safety, and welfare.” R.I. Gen. Laws § 42-98-3(b). In support of its position, the City incorporates and relies upon the memoranda of law submitted by the Rhode Island Attorney General and the Conservation Law Foundation, as well as on the public comments previously submitted by Mayor Jorge Elorza, the Providence Environmental Sustainability Task Force, Providence City Council President Pro Tempore Pedro Espinal, and Providence City Councilpersons Rachel Miller, John Goncalves, Kat Kerwin, and Nirva LaFortunte.

The proposed alterations to Sea 3’s LPG energy facility located within the Port of Providence must consider the cumulative impacts and increased potential for pollution in Providence generally and specifically in the high-density urban communities that border the facility. The additional storage tanks and daily rail shipments proposed by Sea 3 will increase the facility’s capacity to fuel trucks, increasing congestion and fossil fuel emissions in an already congested and overburdened area of Providence. The facility is located in an environmental justice community that is already disproportionately impacted by pollution. The adjacent communities of South Providence and Washington Park have some of the highest rates of asthma in the state and are predominately low-income communities of

color. The expansion of potentially harmful facilities in these communities is an issue of both environmental protection and civil rights.

Additionally, due consideration must be given to the proposed changes in light of state and local climate pollution mitigation targets intended to curb carbon emissions and protect our communities. The expansion of the Sea 3 facility and its intention of expanded capacity will increase reliance on fossil fuels in contravention of those goals. The proposed changes are likely to impact the recently enacted Act on Climate (R.I. Gen. Laws § 42-6.2) and Providence's Climate Justice Plan, both of which set targets to eliminate climate pollution.

Lastly, but importantly, the City has a responsibility to address the public safety and emergency management concerns related to Sea 3's proposed expansion. LPG is an explosive substance and highly volatile when not stored and transported within precise parameters. Sea 3's rail service addition would mean high-hazard flammable trains being transported through congested urban areas where they previously were not, in addition to a higher volume of LPG transport by tractor-trailers and increased storage capacity of LPG at the facility. Sea 3's facility is located in an industrial area alongside the Providence River and is approximately 500 feet from the largest chemical storage company in the City, presenting the potential for cascading events in the event of a leak or explosion. It is unclear from the petition the extent to which police and/or fire escorts will be required for the rail shipments, a burden to be borne by the City and possibly nearby municipalities as well.

These are but some of the plain environmental, public health, and safety concerns related to the expansion of Sea 3's LPG energy facility that warrant full review by the Board. Accordingly, the City urges the Board to deny Sea 3's petition.

**CITY OF PROVIDENCE,**  
By its attorney,

**JEFFREY DANA**  
**CITY SOLICITOR**

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**CERTIFICATE OF SERVICE**

I certify that the original and five hard copies of this Notice were filed with the Energy Facility Siting Board. In addition, this Notice was served electronically on the service list of this Docket, as that list was provided by the EFSB on the afternoon of June 15, 2021. I certify that all of the foregoing was done on June 16, 2021.

*/s/ Megan Maciasz DiSanto*