

May 7, 2021

## SB-2021-03 – SEA 3 PROVIDENCE, LLC PETITION FOR DECLARATORY ORDER REGARDING THE RAIL SERVICE INCORPORATION PROJECT

Save The Bay headquarters are located at Fields Point in Providence. As neighbors to the Sea 3 Providence facility, and on behalf of our members and supporters, we object to the Petition for Declaratory Order Regarding the Rail Service Incorporation Project (the Petition) submitted by Sea 3 Providence, LLC (Sea 3). We ask the Energy Facility Siting Board (EFSB) to exercise its discretion and require Sea 3 to submit a full application to alter the facility. Information, transparency and public input are critical to a comprehensive and fair review by the Energy Facility Siting Board. We support the request of the Attorney General and urge you to determine that the proposed expansion is an alteration as defined by law and deny the Petition.

In our role as steward of Narragansett Bay, Save The Bay is deeply concerned about climate change and the risks it poses to the future health and resilience of the Bay and adjacent coastal waters. Rhode Island is already experiencing warmer temperatures, rising sea levels, and more intense storms. These changing climate conditions are degrading the health of salt marshes, the nurseries of the Bay, damaging fragile coastal habitats, reducing public access to the shore, increasing coastal and riverine flooding, and impacting fresh water wells and septic systems. In fact, rapid climate change is an underlying condition that we factor into all of our efforts to protect and improve Narragansett Bay and coastal waters.

Based on the notice posted on the EFSB website, Sea 3 intends to expand and change daily operations and diversify its method of acquiring LPG to include rail. The proposal includes offloading LPG into new 90,000-gallon horizontal storage tanks on a vacant adjacent property, increasing storage capacity, and the installing new equipment and piping in connection with the rail service delivery and offloading process. Trucks will transport LPG from the new storage tanks to consumers. We submit that the expansion meets the definition of an alteration triggering a full application and public review process. R.I. Gen. Laws §42-98-3(b), and the Rules of Practice and Procedure for the EFSB, 445-RICR-00-00-1.3.4, define “alteration” as a significant modification to a major energy facility, which, as determined by the board, will result in a significant impact on the environment, or the public health, safety, and welfare. The Petition recognizes that Sea 3 is already an “existing major energy facility which has operated in the Port of Providence since 1975.”

The proposed expansion will increase truck traffic and diesel emissions within an area already suffering from the impacts of truck and automobile traffic and industrial activities. Additional transport via rail and truck of LPG, a highly explosive gas, through heavily populated areas raises grave safety concerns for our staff and visitors, nearby residents, and those traveling through the area.

Save The Bay submits that the expansion fits squarely within the definition of “alteration.” It is a significant modification to a major energy facility that will result in significant impacts to public health, safety and welfare, and the environment. R.I. Gen. Laws § 42-98-3. The proposed expansion in the volume of LPG transported and stored along the Providence waterfront will facilitate the ongoing use of fossil fuels and is

incompatible with Rhode Island’s objective of reducing greenhouse gas emissions, as set forth in the 2021 Act on Climate legislation passed by the General Assembly this year.

We submit that a full review of all potential impacts from various scenarios and consideration of public comment is required for the EFSB Board to evaluate whether the expanded operations meet state standards for approval. Without a full application and review, the Board will not be able to determine that construction and operation of the facility shall “produce the fewest possible adverse effects on the quality of the state's environment; most particularly... the health and safety of its citizens, the purity of its air and water, its aquatic and marine life...”, and that it is “consistent with the state's established energy plans, goals, and policy.” R.I. Gen. Laws § 42-98-2(3) and (6).

Transparency and public input are critical to a comprehensive and fair review. Save The Bay became aware of the Petition only days ago and did not receive notice of the Petition, despite the fact that its headquarters are in close proximity to the site in question. We hope that you will consider this written objection as public comment, in support of the Attorney General’s objection, without a memorandum of law. Based on the EFSB notice, it appears that comments in support of the Petition do not need to include memorandums of law. We suspect that the disparate treatment of objectors and supporters was an error and ask that you consider the within e-mailed comments in objection to the Petition.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Stone', written in a cursive style.

Jonathan Stone  
Executive Director