

The Commonwealth of Massachusetts

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CITY CLERK'S OFFICE
SOMERVILLE, MA

COMMITTEES:
Transportation
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Personnel and Administration

August 19, 2013

John T. Long
City of Somerville
93 Highland Avenue
Somerville, MA 02143

RG: #193288

Dear Mr. Long:

Please convey to the Board of Alderman as an official communication this response to a Resolution adopted by the Board on May 25, 2013. That resolution express the opposition of the Board to the plans of Global Petroleum to obtain a Chapter 92 license from the Massachusetts Department of Environmental Protection (DEP) to expand its facility in Revere, enabling Global to receive shipments of ethanol by freight train, over the MBTA commuter rail rights of way, rather than by barge, as presently done. This letter summarizes the status of Global's Chapter 91 license application, and our efforts in the legislature to address the public safety threat posed by the transportation of ethanol by freight train.

Factual Information:

Global Petroleum has a facility in Revere where ethanol and gasoline, among other fuels are stored and blended. Global made a business decision to expand its operation and build a freight terminal with a set of double train tracks on the site, in order to start receiving ethanol shipments by train. Because Global's property is situated partly on filled tidelands, Global was obliged to apply to the State's Department of Environmental Protection (DEP) for a Chapter 91 license, which it did on September, 2011.

Local freight carriers GLX and Pan Am transport their cargo on freight easements on the tracks belonging to the MBTA, and used primarily for Commuter rail service. Concern for public safety along these tracks led the legislature, in July 2012, to pass legislation requiring MassDOT to study the safety of ethanol transport by freight through Greater Boston's dense urban core. In March, 2013, MassDOT issued its study of safety impacts. Legislative concern over these potential safety impacts led to a flurry of activity in both the House and the Senate. The fortunate outcome of these efforts is the adoption of Section 81 of the Conference Committee budget for FY 2014. That amendment prevented DEP from granting a Ch. 91 license to a facility storing or blending large volumes of ethanol close to census blocks above a certain density, a provision clearly applying to Global's Revere operation.

Unfortunately, Governor Patrick, on July 12, 2013 returned Section 81 to the legislature for amendment, recommending that it be changed from an outright ban to a two-year moratorium on the Ch.91 license issuance. During the moratorium, the Governor would have MEMA "develop a comprehensive ethanol

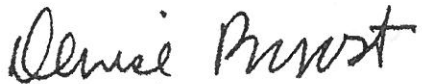
transport response plan for all municipalities that accommodate the transport of ethanol by rail." I was deeply chagrined by the Governor's decision, which exposes most of Somerville's population to a serious risk of fire that would be too close and too fierce to flee.

I had a meeting with Speaker DeLeo before our final budget vote, and invited several other legislators from potentially affected communities. I believe that the Speaker takes this public safety threat seriously. He did not take up the Governor's recommendation as part of the final budget vote. The lack of action on the Governor's return of Section 81 means that Section 81 is not in effect. While its suspension is a matter of some concern, I think we can take comfort in other aspects of Global's pursuit of its business plan: On June 20, 2013, the Suffolk Superior Court ruled against Global in a lawsuit that it had brought against DEP to compel action on the Ch. 91 license application. On July 1, 2013, Global, by letter to Mass DEP, withdrew its Ch. 91 license application.

While the immediate danger has abated, I will remain vigilant on the issue of hazardous freight cargo. Because of federal jurisdictional issues, it will be important for us to ask our entire federal delegation to get involved in improving the regulation of flammable or toxic substances through population centers. I encourage the Board to initiate such advocacy, in order to help assure that Somerville does not suffer a derailment disaster such as which struck Lac Megantic, Quebec, in July of this year.

Please let me know if you need any more information on this subject.

Very Truly Yours,



Denise Provost

State Representative- 27th Middlesex