

Protect Northern PA
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April 8, 2020

Governor Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

We are contacting you to bring a concern to your attention – a **threat to the safety and health of Pennsylvania** residents. We are witnessing a new industry lodge itself in Pennsylvania, one that the state is unprepared for and for which it has no adequate regulations. We are talking about the **LNG-for-export** industry. One such project is underway in Wyalusing Township, Bradford County. This project plans to manufacture LNG from locally sourced methane gas in the Marcellus Shale region and move this hazardous LNG by truck or rail to an export terminal in Gibbstown, NJ. (This document will use the term, *Wyalusing Project*, to refer to the following related entities: New Fortress Energy [holding company], Bradford County Real Estate Partners, LLC [the Wyalusing site applicants], Energy Transport Solutions, LLC [recipient of the rail special permit], and Delaware River Partners [Gibbstown, NJ, Logistics Center]).

LNG is a hazardous material. It must be moved in its cryogenic state, at or below minus 260 degrees Fahrenheit. A loss of refrigeration (e.g., delay in transport) or an accident resulting in container puncture can result in a BLEVE, shorthand for a “boiling liquid expanding vapor explosion,” which occurs when liquid inside a tank car rapidly boils and results in a high-pressured explosion. PHMSA acknowledges the possibility of a BLEVE event with an LNG rail tank car, even with a small breach of the container. With a particular mix of gas and air (oxygen) plus a spark, one will have a fire. These fires cannot be put out. They must consume all the gas and burn out, at a loss of life and property within a one-mile radius.

Our Pennsylvania DEP permitted the Wyalusing Project under its *gas processing* program. The **movement of hazardous material across the state has wide geographical impacts, yet DEP only looked at site-specific impacts** (Air Quality and Water Obstruction and Encroachment). The permitting program’s site-specific focus failed to give a voice to millions of Pennsylvania and New Jersey residents along rail and truck routes. We are not finding fault with the technical reviews completed by the competent staff at DEP. Rather, we are expressing concern that the overall process was too limited in scope, due to the newness of the LNG-for-export industry.

PennDOT has no rules for LNG tanker-truck inspection, driver training, or routes. The rules for a Highway Occupancy Permit (HOP) say nothing about the transport of LNG or hazardous materials. Liability for accidents is unclear: PennDOT places liability on the hauler, but there is no way for the public to know if the hauler carries sufficient liability coverage. **Nothing in any PEMA or PUC material is specific about LNG-transport preparedness.** And, there is no searchable database to know which emergency responders in what locations are prepared and trained to handle an LNG accident.

Who will assure tanker trucks and trains are not targets for terrorists?

Most alarmingly, the Trump administration is promoting international export of LNG and rail transport. LNG from the Wyalusing Project may fill a 100-car unit train. **Risks will be borne by Pennsylvania and New Jersey.** It is imperative that Pennsylvania take action to get ahead of the Trump administration before federal rules limit state options.

- PHMSA has granted a special permit (Special Permit SP 20534, Docket PHMSA-2019-0100) to the Wyalusing LNG-for-export Project to move LNG by rail in 50-year-old-design DOT-113C120W rail cars without the needed safety testing. The special permit requires training of emergency responders along the rail routes, but does not name these responders, does not identify responsibility for costs, and does not state how preparedness will be verified.
 - <https://transportation.house.gov/news/press-releases/chair-defazio-rep-malinowski-press-phmsa-for-updated-information-on-special-permit-to-transport-lng-by-rail>
 - <https://www.phmsa.dot.gov/safe-transportation-energy-products/liquefied-natural-gas-transportation-rail>
- PHMSA is moving forward with federal rulemaking to remove the decades-old prohibition on movement of LNG via DOT 113C120W rail cars, despite the objections of,
 - groups representing emergency responders, <https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=PHMSA-2018-0025>
 - the House Transportation Committee, <https://transportation.house.gov/news/press-releases/chair-defazio-slams-trump-administration-for-moving-ahead-on-lng-by-rail-rulemaking-despite-lack-of-information-about-risk-to-public-safety>
 - and the attorneys general of 15 states, including Pennsylvania. <https://apnews.com/aa38504df0fe3adc250a379608fec2fa>
- The U.S. Senate (Murkowski-Machin American Energy Innovation Act, Section 1802) is moving to declare LNG export in the “public interest,” thereby removing the necessity for an environmental assessment. “Public interest” is an absurd reach. We all know that the fracking industry is highly leveraged, suffering from worldwide surpluses and low prices. The LNG-for-export business is an attempt to cut losses by forcing new markets to prolong extraction of an unsustainable fossil fuel. At the Wyalusing Project, financial benefit may accrue to out-of-state investors and a few Bradford County landowners. After construction, the plant expects to employ only 50 full-time persons. In contrast, the harms related to loss of scenic, historic, and tourism value will be permanent, along with a legacy of environmental harm to the air, water, and climate.

Greenhouse gases (GHG) are emitted in quantities substantial enough to require reporting to the state.

- The permit requires only reporting of site-specific GHGs. Yet, GHGs are lost (vented) through the entire processing and transportation process.
- There is no requirement to offset GHGs.
- The PA Climate Change Advisory Council does not yet have a category for tracking GHGs from LNG-for-export.
- Permitting LNG-for-export goes against the PA Climate Change Act: GHGs are not mitigated, and since the product is for export, LNG production provides no GHG offset in PA.

For these reasons, **we are asking you to impose a moratorium on the permitting of LNG-for-export projects** such as the Wyalusing Project. Such projects deserve a comprehensive environmental assessment, over and above the current site-specific technical review. You have the authority and the precedent to take action. In 1996, Governor Ridge issued an Executive Order for Municipal waste policy reform. At that moment in history, out-of-state waste companies were targeting PA. We are in a similar place, with the LNG-for-export industry targeting PA. We are asking you to use the power of your office accordingly.

We are also asking you to reopen the permitting of the Wyalusing Project to add additional criteria related to transportation. Why has the earthmoving commenced in Wyalusing township when the matter of how the product will be moved to market has not been disclosed or publicly discussed? Furthermore, the matter of how the methane feedstock will be delivered has not been disclosed or publicly discussed.

- The application received by DEP discussed truck loading. It presented no detail related to rail shipment. This should be grounds enough for reopening the permit.
- The application claims it will use existing local pipelines. However, the volumes of gas at full operation and whether this will require additional fracking and local pipelines has not been discussed.
- Please see the concerns raised by the House Transportation Committee. Among them is the lack of disclosure of rail routes. Excerpt: *PHMSA is required by statute to provide this opportunity to first responders, environmental groups, and public citizens. Neither the special permit, nor the revised draft environmental statement that PHMSA posted after our prior letter dated June 28, 2019 (prior letter), adhere to Congress' explicit instruction to provide the public with enough information to adequately consider the risks, provide suggestions, and make useful comments to assist the agency in its decision-making.* <https://transportation.house.gov/news/press-releases/chair-defazio-rep-malinowski-press-phmsa-for-updated-information-on-special-permit-to-transport-lng-by-rail->
- The permitting of the Wyalusing project, being limited in scope, did not include an environmental assessment to give consideration to important local and regional concerns. Among these concerns is the forever loss of historical resources, erasing a sense of heritage. As the region changes into an industrial corridor, the tourism will suffer and the region will become less desirable for both families and retirees.

We respectfully request a meeting with you or your staff to discuss these concerns.

Thank you for protecting the health and safety of Pennsylvanians.

Cordially,

ProtectNorthernPA

Working together to protect our communities from fracked-gas industrialization

Contact person: David A. Buck, protectnorthernpa@gmail.com

Protect Northern PA is an alliance of community members, environmental groups, civic organizations, and local businesses formed to critically examine potential air, water, public health, safety, and climate threats from the natural gas industry in the Marcellus Shale region of Pennsylvania. We share a concern that a gas-related industrial buildout will negatively and irreversibly change the environment and character of the region.

The following are signatories to this letter.

The Website version of this letter does not include the names.

The above individuals and organizations are a small representation of what will be a growing campaign as more individuals learn what is at risk.

NOTES

Information from SEC filings

<https://www.sec.gov/Archives/edgar/data/1749723/000114036120004834/0001140361-20-004834-index.htm>

More information about the Wyalusing project can be found here. We can provide additional information.

<https://www.rocket-courier.com/articles/permit-received-to-ship-lng-by-rail/>

<https://www.rocket-courier.com/articles/energy-roundtable-held-in-laceyville/>

https://www.citizensvoice.com/news/moving-methane-what-route-will-liquefied-natural-gas-take-in-nepa-1.2510733?fbclid=IwAR1wOquLUCYq_803OTBeUxWMd9CaMGP6IxzOJkVqaYkc-Jj827-f2dpDU

<https://www.rocket-courier.com/articles/lng-trains-pose-potential-threat/>

<https://wnep.com/2019/08/27/natural-gas-plant-coming-to-bradford-county/>

More information about the Gibbstown export terminal project can be found here. We can provide additional articles.

<https://www.delawariverkeeper.org/sites/default/files/Fact%20Sheet%20Gibbstown%20Proposed%20LNG%20Export%20Terminal%20%282020-02%29.pdf>

<https://www.delawariverkeeper.org/ongoing-issues/gibbstown-logistics-center-lng-ngl-exports-proposed>

<http://empowernewjersey.com/october-7-forum-gibbstown-lng-export-terminal/>

<https://www.delawariverkeeper.org/node/6277>

LNG hazards

<https://www.delawariverkeeper.org/sites/default/files/Fact%20Sheet%20Gibbstown%20Proposed%20LNG%20Export%20Terminal%20%282020-02%29.pdf>

LNG is a liquefied cryogenic flammable gas, cooled to at least -260 degrees F. It is dangerous to handle and store, bringing with it "unique safety hazards". If LNG liquid is released it creates a serious safety hazard for those around. Exposure to LNG can cause extreme freeze burns. Spills that catch fire burn extremely hot and bring with them serious risk of burn – second degree burns within 30 seconds for those exposed within a mile. LNG can cause a catastrophic Boiling Liquid Expanding Vapor Explosion. The explosive force of LNG is similar to a thermobaric explosion – a catastrophically powerful bomb.

PHMSA and expert reports say an LNG release boils furiously into a flammable vapor cloud 620 times larger than the storage container -- if ignited, the fire is inextinguishable. An unignited ground-hugging vapor cloud can move far distances downwind into communities, burning if then ignited. If "confined" in a ditch, by some wall or into a sewer system, it can spontaneously explode over a 1-mile area. The 2016

US Emergency Response Guidebook advises fire chiefs initially to evacuate 1 mile. No federal field research has shown how far the vapor cloud can move so in the most recent serious Plymouth WA LNG fire, they evacuated a 2-mile radius. The unpredictable movement and inextinguishable fire makes evacuation the preferred defense. There is a lack of response training or equipping of communities exposed to LNG.

DEP Permit page

Here are the two general permits granted by DEP for New Force Energy (dba Bradford Real Estate Partners).

<https://www.dep.pa.gov/About/Regional/North-central-Regional-Office/Community-Information/Pages/New-Fortress-Energy.aspx>

Here is the application process used by DEP for “gas processing”. There is no specific set of guidelines for LNG.

<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=36119>

GP-05, NATURAL GAS COMPRESSION STATIONS, PROCESSING PLANTS AND TRANSMISSION STATIONS
2700-PM-BAQ0267

PennDOT has no rules related to LNG trucks, routes, or drivers.

STORAGE TANK MANAGEMENT MANUAL PUBLICATION 694

A search of LNG does not turn up anything

<https://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20694.pdf>

The rules for a Highway Occupancy Permit (HOP) say nothing about the transport of LNG or hazardous materials

<https://www.penndot.gov/Doing-Business/Permits/HighwayOccupancyPermits/Pages/default.aspx>

<http://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20282/PUB%20282.pdf>

Rail safety does not appear to be the jurisdiction of PennDOT

PUC

http://www.puc.state.pa.us/consumer_info/transportation/rail_safety.aspx

There are currently six PUC railroad inspectors who each focus on a specific discipline (track, operating practices, hazardous materials, grade crossing and motive power and equipment). PUC inspectors work in close coordination with FRA inspectors to ensure safe train movements throughout the entire state.

PEMA Nothing in PEMA materials cover response to LNG.

<https://www.pema.pa.gov/about/leadership/Pages/Emergency-Management-Council.aspx#.WBn5qMnVorQ>

The current federal administration is pushing LNG export.

<https://www.desmogblog.com/2017/09/07/trump-small-scale-lng-exports-without-environmental-review>

PSHMA approved a “special permit” for the movement of the LNG from Wyalusing to Gibbstown

<https://search.usa.gov/search?query=Wyalusing&op=GO&affiliate=dot-phmsa-2>

<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/safe-transportation-energy-products/72911/environmental-assessment.pdf>

PHMSA is moving forward with federal rulemaking to remove the decades-old prohibition on movement of LNG via DOT 113C120W rail cars,

<https://www.phmsa.dot.gov/news/us-department-transportation-proposes-major-rule-safe-transportation-liquefied-natural-gas-rail>

<https://www.federalregister.gov/documents/2019/10/24/2019-22949/hazardous-materials-liquefied-natural-gas-by-rail>

Friday, October 18, 2019. PHMSA 08-19

Excerpts:

WASHINGTON – Today, the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA), in coordination with the Federal Railroad Administration (FRA), announced that it is publishing a notice of proposed rulemaking (NPRM) regarding the transportation of liquefied natural gas (LNG). The proposed rule will seek comment on changes to the Hazardous Materials Regulations (HMR) to authorize the transportation of liquefied natural gas (LNG) by rail in the DOT-113 specification tank cars.

The NPRM is a result of President Trump’s April 2019 Executive Order recognizing the leading role the U.S. plays in producing and supplying LNG and the need to continue to transport this energy resource in a safe and efficient way.

16 states oppose Trump plan to allow LNG shipments by rail

<http://www.marylandattorneygeneral.gov/press/2020/011320.pdf>

<https://apnews.com/aa38504df0fe3adc250a379608fec2fa>

The U.S. Senate, Murkowski-Machin American Energy Innovation Act, Section 1802

https://www.energy.senate.gov/public/index.cfm?a=files.serve&File_id=09AF16B7-1920-4C22-96E2-26039A24B55D

p. 383

1 SEC. 1802. SMALL SCALE LNG ACCESS.

2 Section 3 of the Natural Gas Act (15 U.S.C. 717b)

3 is amended by striking subsection (c) and inserting the
4 following:

5 “(c) EXPEDITED APPLICATION AND APPROVAL

6 PROCESS.—

7 “(1) IN GENERAL.—For purposes of subsection

8 (a), the following shall be deemed to be consistent

9 with the public interest, and applications for such

10 importation or exportation shall be granted without

11 modification or delay:

12 “(A) The importation of the natural gas

13 referred to in subsection (b).

14 “(B) Subject to the last sentence of sub15

section (a), the exportation of natural gas in a

16 volume up to and including 51,750,000,000

17 cubic feet per year.

18 “(C) The exportation of natural gas to a
19 nation with which there is in effect a free trade
20 agreement requiring national treatment for
21 trade in natural gas.

22 “(2) EXCLUSION.—Subparagraphs (B) and (C)
23 of paragraph (1) shall not apply to any nation sub
24 ject to sanctions imposed by the United States.”.

Truck Traffic Volumes

The Applicant anticipates that the LNG Plant will produce a nominal daily average of up to roughly 4 million gallons of LNG and store up to six million gallons on site. The NGP Plant will include loading racks capable of loading LNG into 18 trucks for delivery to commercial markets.

Eighteen LNG loading bays will load product to 10,000-gallon nominal capacity tanker trucks. The loading bays will be designed to fill a tanker truck at a rate of 280 to 300 gallons per minute.
[http://files.dep.state.pa.us/RegionalResources/NCRO/NCROPortalFiles/NewFortressEnergy/New%20Fortress%20Energy%20LNG%20Plant%20Plan%20Approval%20Application%20\(December%202018\).pdf](http://files.dep.state.pa.us/RegionalResources/NCRO/NCROPortalFiles/NewFortressEnergy/New%20Fortress%20Energy%20LNG%20Plant%20Plan%20Approval%20Application%20(December%202018).pdf)

The company says there would be as many as 15 trucks coming and going per hour taking liquid natural gas all over the world. <https://wnep.com/2019/08/27/natural-gas-plant-coming-to-bradford-county/>

https://www.northcentralpa.com/business/bradford-county-natural-gas-conversion-plant-to-solve-stranded-gas/article_dffbe4b6-d0e0-11e9-88c7-f71908d14b1f.html *The company estimates that once the plant is complete, as many as 15 trucks per hour will travel to and from it. Commissioner McLinko said that Route 6 commuters should not expect any significant delays or traffic pattern changes. "The Planning Commission of Wyalusing township did a traffic study," Commissioner McLinko said.*

Green House Gasses

The permit states: 3.10 40 CFR 98 — *Mandatory Greenhouse Gas Reporting The Mandatory Greenhouse Gas (GHG) Reporting Rule requires facilities that emit greater than 25,000 metric tons per year of CO₂e to report their GHG emissions. As the proposed Project will exceed this threshold, reporting under 40 CFR 98 will be required. The requirements for the electricity generation category are outlined in Subpart D of 40 CFR 98.*

<https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/climatechange/PublishingImages/Pages/CCAC/Inventory%20-%202018%20write%20-up.pdf> *The Pennsylvania Climate Change Act (Act 70 of 2008, or Act) requires the Department of Environmental Protection (DEP) to develop an inventory of GHGs, and update this inventory annually.*

Public notice

DEP does not need to notify anybody except the local municipality when there is an application for a general permit.

<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=36119>

In the Instructions document: A facility owner or operator proposing to use the General Permit shall notify the local municipality and county governments where the air pollution source is to be located that the applicant has applied for the Authorization to Use GP-5. The notification shall clearly describe the

proposed sources and/or modifications. The owner or operator shall submit to the Department proof of the municipal notification with the Application for Authorization to Use GP-5.

On May 4, 2019, the Pennsylvania Department of Environmental Protection (DEP) published notice in the *Pennsylvania Bulletin* of Bradford County Real Estate Partners, LLC's submission of Joint Permit Application E08-506 to construct and operate a natural gas processing facility that will receive local natural gas via pipeline; process this gas to remove impurities and cool it to liquid form, making it distributable to commercial markets; and load the liquified natural gas for distribution.

On Thursday, Nov. 29, the Wyalusing Township Supervisors approved two conditional use permits that New Fortress Energy, LLC needs to construct its proposed \$800 million plant in Browntown, which would convert locally-produced natural gas to liquefied natural gas (LNG). <https://www.rocket-courier.com/articles/wyalusing-twp-supervisors-approve-800m-lng-plant/>

Comments received by DEP.

http://files.dep.state.pa.us/RegionalResources/NCRO/NCROPortalFiles/NewFortressEnergy/Bradford_Co_Realestate_Partners_Response_FINAL.pdf