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DEP Citizens Advisory Council

Harrisburg, PA

(delivered by email on 5/14/20 to the attention of Keith Salador, ksalador@pa.gov)

Dear members of the Citizens Advisory Council (CAC),

Thank you for your service. We see that CAC has been charged with reviewing all environmental laws of the Commonwealth in order to make appropriate suggestions for revision and modification. We also see from your web page that 1992 amendments to Pennsylvania's Air Pollution Control Act added a requirement for the Pennsylvania Department of Environmental Protection (DEP) to consult with the CAC in developing regulations and plans to implement the federal Clean Air Act.

You are in a position to work with the DEP and the powers of the office of the Governor to address many issues related to a new industry lodging in Pennsylvania: the **LNG-for-Export** industry.

The Commonwealth of Pennsylvania is unprepared for and has no adequate regulations regarding the LNG-for-export industry. We are bringing to your attention what we perceive to be significant gaps in the DEP permitting process with grave consequences for Pennsylvania.

LNG is cryogenically reduced methane, the largest component of natural gas. LNG is how natural gas has been shipped overseas. Currently in the United States, methane is typically processed into LNG at the end of a pipeline in coastal areas and loaded onto ships for foreign export.

In July 2019, DEP permitted a gas processing facility in Wyalusing Township, PA. The Wyalusing Township project aims to be the first of its kind in the nation to make LNG inland and move it overland in containers (truck or rail) to port for export overseas. The business concept of this sector of the gas industry is to avoid the need for a pipeline connection.

1. Insufficient scope of review.

DEP's site-specific approach to permitting has an insufficient scope for the LNG-for-export industry. The permitting of the Wyalusing Township project did not include a wide-area, comprehensive, or cumulative environmental assessment to give consideration to important local, regional, cumulative, and long-term concerns.

The current DEP process lacks:

- Consideration of all counties and municipalities that will be affected. PA counties that may be affected by the Wyalusing Township project are Bradford, Susquehanna, Wyoming, Lackawanna, Luzerne, Carbon, Lehigh, Bucks, Montgomery, Philadelphia, Chester and Delaware. NJ counties that may be affected are Burlington, Camden and Gloucester
- Coordination with PennDOT over traffic and transportation-safety issues.
- Coordination with PUC over safety issues.
- Consideration of long-term expected concomitant development (fracking, pipelines, water transport, wastewater, road repair).
- Mitigation of greenhouse gases (GHG), both CO₂ and methane, within PA and beyond our borders.

2. Incomplete project disclosure. The gas-processing permit was awarded despite incomplete disclosure by the applicant to DEP and affected municipalities. We are astonished that earthmoving has commenced in Wyalusing Township when the matters of where the raw material will come from and how the product will be moved to market have not been disclosed or publicly discussed.

- We had to research SEC filings to learn that the Wyalusing Township project contracted with Chesapeake Appalachia LLC to obtain the gas feedstock. DEP did not inquire as to the matter of where the gas feedstock would be obtained.
- The application claims it will use existing local pipelines. DEP did not inquire as to whether the long-range plan and full operation would require building additional pipelines.
- The application received by DEP described a process for processing gas from raw material into LNG for loading at truck bays. It presented no detail related to rail loading. (Note: DEP completed its permitting in July 2019; a federal rail Special Permit was awarded to the Wyalusing Project in November 2019.) We would like confirmation from DEP that further facility buildout will entail public announcement and require the opportunity for public comment.
 - 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, 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->

3. Truck traffic

- **The volume of tanker truck traffic is expected to be substantial and will consume excessive roadway space, impacting normal flow and intersections.** Between Wyalusing Township and Interstate Highway 81, thirteen communities along Route 6 can expect 15 filled 40' tankers going south and 15 empty 40' tankers going north, per hour. The borough of Clarks Summit is likely to be one of these communities. This stretch of Rt. 6 through Clarks Summit is already congested.
- **Heavy freight has the potential to cause damage to buildings from vibration;** and damage to roadways, bridges, and other infrastructure from repetitive use.
- **Noise** will impact pedestrians on sidewalks and businesses, particularly those with an outdoor presence, such as restaurants and golf courses.
- **Safety** of pedestrians in crosswalks and motorists attempting to parallel park and enter/exit parked vehicles will be jeopardized.
- **Idling vehicles** of all types, due to increased traffic at intersections, will impair air quality.
- **Rail traffic** could take the form of up to 100-car unit trains, obstructing traffic at at-grade railroad crossings, such as Rt. 6 in Tunkhannock. This type of hold-up of traffic on major routes could be an impediment to the movement of emergency responders.

4. Pennsylvania Act 13 Impact Fees only flow to the county in which the gas is being extracted.

Act 13 does not cover the impacts to be borne by taxpayers statewide from heavy truck traffic. Road damage and road congestion are huge externalities for which the LNG-for-export business gets a free pass. After the roads are congested and damaged, it is the public that bears the danger, inconvenience, and taxpayer cost of road repair.

5. Hazardous material movement

- **A large volume of LNG will be moved.** The Wyalusing project projects 15 filled truck containers per hour, 24 hours per day, to be trucked over 200 miles from Wyalusing Township to Gibbstown, NJ.

- **LNG is a hazardous material.** It must be moved in its cryogenic state, at or below minus 260 degrees Fahrenheit. A spill can cause immediate injury or death by freezing. A loss of refrigeration (e.g., delay in transport, such as could happen with road construction, weather-related road conditions) or an accident resulting in container puncture can result in a BLEVE event, shorthand for a “boiling liquid expanding vapor explosion,” which occurs when liquid inside a tank car rapidly boils, increasing pressure. 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 – the fire must consume all the gas and burn out, at a loss of life and property for a one- to two-mile radius, depending on air currents.
- **We have not been able to establish which Pennsylvania agency assumes responsibility for the overland movement of hazardous material,** such as container inspection, driver training, allowed routes, training and equipping of emergency responders.
- **There is no searchable database to** know which emergency responders in what locations are prepared and trained to handle an LNG accident.
- **We have not been able to establish who is liable for a fire disaster.** Through a PennDOT communication, we were told that liability rests with the hauler. However, industry information found on the Web places liability with the shipper. We are unaware of any bonding program. As you are aware, concerning the recent disastrous fires in California, compensation is slow in coming and never makes an injured party whole.
- **Who will assure tanker trucks and trains are not targets for terrorists?** Because of the large volume of containers moved by truck or rail, there will be no way to discreetly move the cargo.
- **Premature PHMSA authorization.** PHMSA has granted a special permit (Special Permit SP 20534, Docket PHMSA-2019-0100) to the Wyalusing Township 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://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 current prohibition of 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>

6. LNG is already moving about the state by truck and it isn't being tracked by DEP.

In the Marcellus/Utica region, DEP does not track how many apparatuses are being placed on wells to make CNG/LNG and export it. We were told that these are GP5A permits – not GP5 gas processing facilities. What happens when the business model of LNG-for-export evolves such a project involves numerous well pads producing LNG onsite and moving it for sale elsewhere?

Take, for example, Edge Gathering Virtual Pipelines 2 LLC. According to an industry publication, EDGE began onsite LNG production on May 7, 2019, accessing Marcellus gas in Pennsylvania and making truck-delivered LNG sales to its first customers, which include out-of-state Emera Energy Services, Inc.

We inquired to DEP about this company only to find out that DEP does not require a permit for it, because it is an addition to a well pad. There is no record of this company in eFACTS. When would this type of operation require a permit? How are these activities monitored? How would the public know about these operations? Would it finally require a permit of some type when more than one well pad in an area install individual processing units? How many? How, then, would these impacts be assessed collectively? Again, there is a problem with DEP's site-specific general permitting: When does DEP acknowledge that micro impacts become macro impacts?

When will DEP aggregate emissions as it should under the Clean Air Act?

7. Future cumulative impacts have not been considered, and pose some very uncomfortable questions.

- The LNG-for-export industry (for which the Wyalusing Township project is the first-in-the nation inland LNG gas processing plant with overland transport to an Atlantic export terminal) has alluded to (press and industry publications) its intent to build more such projects once this one is in production. How will multiple such facilities, as well as other fracked-gas-industrial projects (natural gas liquids, fertilizer, plastic, etc.) affect the air quality and water resources in northern Pennsylvania in a decade or a generation?
- When will there be so much fracking that we have earthquakes as experienced in Oklahoma?
- When will fracking necessary to produce the feedstock of one of these facilities need to move farther afield such that additional pipelines need to be built?
- Where will all the fracking wastewater go? Additional waste disposal sites will need to be constructed.
- When will there be so much heavy truck traffic that major road projects must be undertaken?
- Once Pennsylvania catches up to the world with a clean-energy economy, who will dismantle and clean up fracked-gas-industrial projects?
- Why must Pennsylvania be locked into a gas-industry-driven economy, instead of moving forward with a different vision? History shows that extraction-driven economies ultimately fall to the "resource curse."
- Loss of heritage. Who are we? Must we give up the beauty of the Endless Mountains, sacrifice our rural heritage, our river and streams, and historic resources? Will our children and grandchildren recognize northern PA, if they have not moved away? What will be the legacy we leave for those generations yet to come?

8. Air Emissions. At a time when greenhouse gasses (GHG) must be curtailed, this project promotes the opposite.

- We see from the DEP Permit 08-00058A, GHG are emitted in quantities substantial enough to require reporting to the state. There is no requirement to offset GHGs.
- The permit does not look at air emissions beyond the fence-line. During transport of LNG, there is a steady release of "boil off". Container leakage is not quantified by any PA agency (confirmed by the DEP Mobile Sources Division).
- Permitting LNG-for-export goes against the PA Climate Change Act: The in-state GHGs are not mitigated, and since the product is for export, LNG use as fuel beyond the PA and U.S. borders is not quantified or offset.
- Methane is not addressed in RGGI, which addresses power sector CO2 emissions.
- Methane boil-off from containers in transit is not addressed by the Transportation Climate Initiative, which looks at tailpipe emissions.
- Methane release from additional fracking to provide the feedstock for the Wyalusing Township project over the life of the project has not been quantified.

- The most recent science tell us that methane is a powerful greenhouse gas, 86 times more efficient than CO2 at trapping heat over a 20-year period and 34 times more efficient over a 100-year period. For Pennsylvania to do its part in battling climate change, methane emissions must be curtailed.

9. Required public notice does not reach all affected communities.

Under Act 14, the applicant for a general permit is only required to notify the “host municipality” and the county. The host municipality is not required to notify contiguous municipalities. The county simply files these notices. Although applications are published in the weekly Pennsylvania Bulletin, this does not constitute outreach to all affected municipalities and counties, yet publication in the Pennsylvania Bulletin starts the clock on a 30-day comment period. The public is simply not made aware of these projects that will have direct impacts on their lives.

Upon changing its zoning to accommodate the project, the host municipality does not have to notify anyone other affected municipalities. This project will ruin the scenic view from the Susquehanna river and its recreational value, yet one municipality was able to make decisions in isolation.

10. If this much gas were to be transported via pipeline, it would receive much scrutiny as to route and impacts. (The overland transport of LNG has been called a Virtual Pipeline™, by one operator in Pennsylvania.) If this much truck traffic were for a municipal waste landfill, it would receive an environmental assessment in addition to technical review. But here we are: Neither DEP, nor any other state agency is looking at the wide-area, cumulative impacts.

11. There is no public interest served, no benefit for those who will bear the burden of the impacts.

- The United States is not the projected customer of the LNG.
- Despite the U.S. Senate (Murkowski-Machin American Energy Innovation Act, Section 1802) moving to declare LNG export in the “public interest,” (thereby removing the necessity for an environmental assessment) we fail to see the “public interest.” Presently, the gas-fracking industry is highly leveraged, suffering from worldwide surpluses. The LNG-for-export business is an attempt to create new markets to prolong extraction of an unsustainable fossil fuel.
- At the Wyalusing Township 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.
- Economics: When demand on the export market increases, price for gas goes up. This potentially increases power prices for U.S. consumers.

We understand that under interstate commerce rules, DEP cannot prevent the movement of a product that is not illegal. But DEP’s site-specific general permitting approach fails to give a voice to millions of Pennsylvania residents with a wide range of concerns.

DEP has a duty to care about the impacts of its decisions. As Martin Luther King, Jr., said, "Our lives begin to end the day we become silent about things that matter."

We are asking you to ask the Governor to impose a moratorium on the permitting of LNG-for-export projects. Such projects deserve a comprehensive environmental assessment, over and above the current site-specific technical review. We believe that the Governor has the authority and the precedent to take action. Recall that 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 welcome your engagement on these issues and have extensive references to share with you on each of the above points.

Thank you for your time and your efforts to improve the effectiveness of DEP toward environmental protection to protect the health and safety of Pennsylvanians.

Thank you.

David A Buck and Diana G. Dakey, on behalf of Protect Northern PA

ProtectNorthernPA

Working together to protect our communities from fracked-gas industrialization

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.

cc.

Governor Tom Wolf

Secretary Patrick McDonnell