

STOP LNG BY RAIL NETWORK

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Gibbstown/Wyalusing LNG by Rail permit renewal DENIED **by Federal Government**

Communities hail decision as justice served after long battle

A Special Permit for the transport of liquefied natural gas (LNG) in rail cars has been denied by the Pipeline and Hazardous Materials Safety Administration (PHMSA) for a proposed project that would export LNG. Environmental and community organizations have fought since 2019 for an end to the authorization for the transportation of the LNG by rail to the proposed Gibbstown LNG Export Terminal on the Delaware River in Gloucester County NJ. A Special Permit (Special Permit DOT-SP 20534), was issued in December 2019 to Energy Transport Solutions (ETS) for transport of LNG by rail car from a proposed LNG processing plant in Wyalusing PA to Gibbstown NJ for export overseas.

Since the permit was issued, public controversy has escalated against the proposed New Fortress Energy (NFE) LNG export project. The transport of LNG from the proposed liquefaction plant in Bradford County PA to the not-yet-built LNG export facility in Gibbstown endangered hundreds of communities along the 200-mile rail route through PA and NJ. This was the first and only use in the nation of DOT 113C120W tank cars to transport LNG, which were not tested or proven safe for LNG and the only permit to allow daily "unit-train" volumes of LNG (up to two 100-car trains every day) over enormous distances from an inland LNG liquefier to a riverfront export terminal. The trains especially threatened communities of color and low-income populations already overburdened with environmental injustices, including Scranton, Wilkes Barre, Reading, Allentown, and Philadelphia in Pennsylvania and Camden and other southern municipalities in NJ. An interactive [map](#) shows the rail routes that would have been used.

Municipalities rose up against the proposed rail and truck transport of LNG - a hazardous, flammable, and explosive cargo - through their neighborhoods and towns by

passing [resolutions](#) in opposition and submitted their adopted municipal resolutions to the agencies and the Governors of their state. Over the years of struggle, more than 100,000 people signed petitions and hundreds of organizations signed letters opposing the LNG transport and calling for PHMSA to pull back their approval. Rallies, press conferences, and special events, all expressed the public outcry against the reckless approval of LNG transport that threatened catastrophe should there be a release of LNG such as in a derailment or accident. A coalition of organizations, including frontline residents from throughout the four watershed states in the Delaware River Watershed, worked to organize and carry out these campaigns to protect our communities and the environment.

The Gibbstown/Wyalusing LNG Project has been delayed, LNG has not been produced and the ETS transport permit was never used. The Special Permit expired November 30, 2021. ETS, a subsidiary of New Fortress Energy, applied for a [renewal](#) at that time. PHMSA issued their decision denying the Special Permit renewal request on April 24 in the [Federal Register](#). The brief entry states **“SPECIAL PERMITS DATA—DENIED—Permit # 20534–R; Energy Transport Solutions LLC; To renew authorization for the transportation in commerce of methane, refrigerated liquid in DOT specification 113C120W tank cars.**

“It’s time for Energy Transport Solutions and New Fortress Energy to pack up and leave our watershed alone. The people have spoken and said no hazardous LNG on our River or through our communities. Now the federal government is lending its voice to say no hazardous LNG on our rail lines. New Jersey, the Delaware River Basin Commission and the Biden Administration now need to join the chorus and ‘just say no’ to LNG,” **proclaimed Maya van Rossum, the Delaware Riverkeeper.**

““With this decision we can rest assured that our Communities and Children are safe for now. We will continue our fight until the denial is definite and keep our cities free from the transport of LNG in Pennsylvania, New Jersey, & Puerto Rico,” **said Myriam Ramirez, Make the Road Philadelphia.**

“PHMSA heard the voices of the thousands who called for the special permit to be denied. The railroad tracks just miles from my home are safer tonight because of it. The number of people who can say the same is staggering. PHMSA did a good thing today, but now it needs to give us the full protection only an outright ban on LNG by rail can provide,” **said Karen Feridun, Founder of Berks Gas Truth.**

“This decision is long overdue, and provides critical protection for the communities across South Jersey threatened by New Fortress Energy’s Gibbstown export scheme,” **said Matt Smith, New Jersey Director of Food & Water Watch.** “Now the Biden administration should go further and suspend the Trump era rule entirely, and protect communities across the country from the threats posed by LNG bomb trains.”

"Our communities have spoken loud and clear: we will not stand for the transport of hazardous LNG through our neighborhoods and towns. The decision by PHMSA to deny the renewal of the Special Permit for the transport of LNG by rail is a victory for climate justice and the safety of our communities," **said Eric Benson, NJ Campaigns Director, Clean Water Action.** "Deadly gas has no business traveling by rail, road, or by sea. We will continue to remain vigilant and continue to fight to keep where it belongs, in the ground."

"We are relieved that the permit has been denied because the potential morbidity and mortality that could result from an LNG by rail project is an outrageous risk. In accordance with the precautionary principle, LNG by rail should be prohibited," **said Tammy Murphy, LL.M., Advocacy Director, Physicians for Social Responsibility Pennsylvania.**

"South Jersey has already seen the dangerous reality of toxic chemicals on our rails – and what happens when something goes wrong — with the 2012 derailment of vinyl chloride train cars in Paulsboro. That public health disaster had real long-term health impacts for residents, which pales next to the East Palestine rail disaster, a train headed ultimately to a South Jersey plastics plant. South Jersey residents don't deserve another toxic threat of LNG by rail rumbling through their communities and fueling the climate crisis. This PHMSA decision to deny the special permit is incredibly welcome because it should be another nail in the polluting coffin that would be the Gibbstown LNG facility on the banks of the Delaware; the next step is to finalize LNG-by-rail rules that would stop any community from being subjected to a LNG rail disaster in their backyards," **said Doug O'Malley, Director, Environment New Jersey.**

"The idea that we should continue to look further down in the surface of the earth for energy instead of collaborating with China, Russia and other countries is wrong. Learn to compromise and work together worldwide instead of endless competition for energy," **said Fermin Morales, Philly Boricuas.**

"Since the permit was issued, public controversy has escalated against the proposed New Fortress Energy (NFE). This extension denial is just another strike against a risky proposal that serves no other purpose than to expand gas extraction in the region to export overseas and leave our communities to bear the risks. Denying this extension casts doubt on the entire New Fortress Energy LNG export project's future, from the plant in Wyalusing to its reckless and dangerous scheme to move explosive LNG by rail and truck through our communities to the ill-conceived and unwanted Gibbstown LNG export dock terminal in New Jersey. PHMSA took a step in the right direction today, and now we ask President Biden to take the next step – to finalize the LNG-by-rail rules that would halt the transportation of dangerous LNG that would put thousands of people at risk and produce additional air pollution impacting already overburdened communities," **said Anjuli Ramos-Busot, New Jersey Director of the Sierra Club.**

"Let's hope this is one more reason for Wyalusing Township and Bradford County officials to move on from promoting the New Fortress Energy LNG plant, whose threats extend far beyond Bradford County," **said Diana Dakey, facilitator of Protect Northern PA.**

"The future of the Gibbstown liquefied natural gas terminal is looking bleaker by the day. The denial of the Energy Transport Solutions special permit is a huge victory for halting this planet-warming, water-polluting, community-endangering fossil fuel project," **said Kimberly Ong, Senior Attorney at NRDC (Natural Resources Defense Council)**. "Now the DOT just needs to put the nail in the coffin and restore the ban on LNG by rail once and for all."

"I am extremely grateful that the PHMSA special permit # 20534-R permitting massive rail transportation of Liquefied Natural Gas (LNG) through the Lehigh Valley was denied on April 24, 2023. The initial permit approval was a flawed analysis on both an engineering and emergency response basis. This action is a step forward in protecting the lives of the citizens of Lehigh County and Northampton County from potential catastrophic and possibly deadly rail incidents as well as potentially creating an unsustainable disaster response scenario," **said Bob Elbich, Lehigh County PA Commissioner, Former cryogenic engineer, Former volunteer first responder**.

"As part of a small group of residents from West Deptford and National Park NJ who have been fighting this project for 4 years, I am thrilled New Fortress Energy's permit was not renewed. This is a HUGE WIN for the environment and public safety! We can celebrate today's victory, but we cannot stop paying attention and speaking up against fossil fuel pollution," **said Jeanne Jordan, concerned citizen**.

"Denying this unsafe Trump Era permit that allows gas companies to cut corners when transporting liquefied natural gas is an important milestone in our efforts to protect communities and habitat in the Delaware River Watershed. Today serves as an important reminder that through collective action we can defeat this toxic industry, and we are continuing our work to achieve a nationwide ban on LNG with high spirits." **said Wes Gillingham, Catskill Mountainkeeper Associate Director**.

"This an important victory in our battle to stop these LNG bomb trains. After the derailment in East Palestine Ohio, this decision will help prevent a worse disaster. We still have a lot of work to do but this decision will help make our communities safer," **said Jeff Tittel, Environmental Activist**. "This a Win for the environment and will help protect us from dangerous LNG bomb trains".

"The denial of this special permit renewal should be a loud and clear message about the importance of safeguarding all communities from the transport of LNG by rail, many of which along the route to the proposed Gibbstown Export Terminal in NJ are vulnerable, underserved communities. Let the East Palestine derailment disaster be a lesson for the DOT, DOE, and federal agencies moving forward when decision-making. These rail tanks were also bound to South Jersey along the same route and through the same communities with one community that has already suffered from a derailment and release of vinyl chloride. We cannot afford to allow LNG which is more explosive and flammable than vinyl chloride to travel on rail, allow communities to become sacrificial zones, or allow LNG's entire highly potent methane emitting life cycle to pollute our air now and our future, during fracking, leaks, flares, vents and transport, and during its end use. NJ just adopted the first and only environmental justice law in the nation last week. We must protect all communities and advance rapidly to clean energy to reduce

GHGs before the window closes to avoid the catastrophic tipping points and effects of the climate crisis, and meet our climate goals with climate solutions," **said Danielle Plá, Chair, South Jersey Chapter of the Surfrider Foundation**

"The denial by the federal government of New Fortress Energy's permit for rail transport of hazardous, flammable, and explosive liquefied natural gas (LNG) through Pennsylvania and New Jersey provides much needed protection for our communities and environment. The future of our region is more secure as we move closer to completely stopping the pollution and danger posed by the proposed Gibbstown LNG Export Terminal. Once the U.S. Department of Transportation pulls back the federal Trump Rule that allows LNG by rail nationwide, we will begin to loosen the grip of the fracking industry and work positively towards replacing dirty fossil fuels with clean carbon-free renewables and healthy communities. The time to act on the federal rule is now, USDOT!" **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

"This news is a relief and a cause to celebrate. Have people finally come to their senses? I do hope so. The idea that LNG could be safely transported by rail in long trains through very populated areas is misguided, greedy stupidity. Such a plan must never reappear anywhere," **said Marilyn Quinn, New Jersey activist.**

"This is encouraging news. We hope it means that PHMSA understands the danger represented by any permit for this route: Shipping LNG on rail lines through our communities simply isn't safe or acceptable," **said Coralie Pryde, League of Women Voters of Delaware.**

"We have been fighting this battle for a long time and we never stopped fighting. We are relieved that PHMSA apparently has made the logical determination that this proposal was just too dangerous for the type of railcars proposed and for the risk it posed to hundreds of thousands of residents along the probable routes. We also hope that PHMSA will use the same logic to stop the transport of LNG nationwide. The same dangers would be amplified by the scale of such a possibility. Given the current state of rail transport, do we really want to make it more deadly?" **said Jim Stewart, New Jersey activist.**

"The denial of the special permit is an important step toward protecting Pennsylvania communities from the danger of LNG "bomb" trains, putting health and safety over profit. Now we need PHMSA to finish the job by banning the transportation of Liquefied Natural Gas by rail anywhere in the United States," **said Rabbi Julie Greenberg, POWER Interfaith, Director of Climate Jobs and Justice, Philadelphia.**

"Trains Gone! People won over Profits! Health and safety is more important. Next, deny trucks! Keep LNG in the ground, where it had been for hundreds of thousands of years!" **said David Steinberg, New Jersey activist.**

"PHMSA's denial of a continued Special Permit to transport liquefied natural gas (LNG) by rail from northcentral PA to South Jersey is a huge win for the safety of almost 2 million people who live along the proposed rail route. This move protects the safety of hundreds of communities along the rail route, including many already overburdened by environmental racism, from the

threat of catastrophic incidents from transporting dangerous LNG with rail cars that were not designed for that purpose," **said Joe Minnott, Executive Director and Chief Counsel.**

"The denial of this Special Permit for LNG transport comes with a tremendous sense of relief. Aside from the fact that LNG transport presents a risk of leak and explosion, further burdening low-income and BIPOC communities, any permitting of fossil fuel expansion and buildout mustn't be allowed if we are to achieve net zero and control methane pollution," **said Richard Cole, Co-founder, Philadelphia chapter of Foundation for Climate Restoration.**

In light of the horrific Norfolk Southern freight train derailment in East Palestine, Ohio on February 3 of this year, it is clear that an overhaul of regulations governing the rail transport of hazardous materials is needed. The derailment and release of vinyl chloride and other toxic materials resulted in human health and environmental disaster for the regional communities in both Ohio and western Pennsylvania. It certainly makes no sense to allow MORE hazardous materials that endanger public safety and the environment onto the rails. In this context, the denial of the Special Permit is obviously logical and necessary.

Yet, there is more to the story and more to be accomplished. On July 24, 2020, PHMSA issued a federal rule that lifted the long-standing ban on LNG transport by rail (Docket PHMSA-2018-0025 (HM-264)). The federal rule authorized the bulk transportation of LNG by rail tank car for carriers nationwide, following a 2019 executive order by then-President Trump directing the Department of Transportation to authorize the movement of LNG by rail car to boost the energy industry and LNG exports (the "Trump Rule").

The Biden Administration's PHMSA issued a proposed rule to suspend the Trump Rule (while they research safety issues) with a comment period that closed in December 2021 (Docket PHMSA-2021-0058 (HM-264A)) (the "Suspension Rule"). Yet, a year and 4 months later, the proposed rulemaking to suspend the Trump Rule has not been adopted, despite tremendous public support and expert technical evidence for suspending it and for readopting the complete and permanent ban on LNG transport in rail tank cars. PHMSA has been silent, missing several government deadlines for adopting the Suspension Rule. The STOP LNG by Rail Coalition and people from across the U.S. are calling for the Department of Transportation's PHMSA to adopt the rule because the transport of LNG by rail is unsafe for people and the environment.

New Fortress Energy can also theoretically still use rail tank cars because the Trump Rule that lifted the LNG by rail ban is still in place. Until the Biden Administration's PHMSA suspends that rule, if NFE were to have the USDOT specification cars constructed, they could transport LNG in rail tank cars from anywhere through any of our communities, just like companies can throughout the entire nation.

The denial of the Special Permit for the Gibbstown/Wyalusing LNG export project does not kill it for another reason. The loss of the permit is an important stumbling block that could further stymie NFE's convoluted project, like the delays they have experienced in construction. But the company has said they will move LNG by truck if they must and project that 300-400 trucks each day, 365 days per year, would be needed to get the LNG from Wyalusing to Gibbstown. That's up to 800 LNG truck trips in and out, on top of all the other trucks going to the Gibbstown Logistics Center to store and export other cargoes such as propane, butane and other products. The increase in truck traffic is already opposed by municipalities and communities that would be in the path of these perpetual [truck corridors](#). For instance, the resolutions passed by municipalities opposing LNG by rail are also opposed to the truck transport of LNG. Hundreds of communities, many with dense overburdened populations, would be impacted by the pollution, noise, and the unending threat of a traffic accident that would release LNG and potentially cause catastrophe with fire, bomb-like explosions, and suffocating vapor clouds. If the company plans to move LNG by tank truck, they will face an intense battle.

Background:

The Special Permit was issued prior to the rulemaking under the Trump Administration that lifted the longstanding ban on transporting LNG in rail cars on the nation's railways. Special Permits are allowed under a loophole in the federal regulations that govern the transport of hazardous materials on railways. The Special Permit for Gibbstown/Wyalusing was especially egregious because it allowed the use of railcars designed over 50 years ago that had never been used for LNG and never been proven safe to transport the difficult-to-handle cryogenic liquid methane. Just 22 tank cars hold the equivalent energy of the Hiroshima bomb (which is why they are dubbed "bomb trains").

The Trump rulemaking, even though it is still not considered safe by experts, public commenters, and the STOP LNG by Rail Network, required some upgrades of the tank cars and operational controls, because PHMSA deemed that the old cars, as is, were too dangerous. Apparently, the communities along the rail route for the Gibbstown/Wyalusing LNG where the substandard cars were authorized to travel were offered up as sacrifice zones for New Fortress Energy's economic benefit. The communities would bear all the risk and all the environmental burden for the company's export scheme. This fueled the outrage of communities that worked in opposition.

The Trump Rule that lifted the long-standing ban on LNG transport by rail has not resulted in any rail cars being constructed that could be used for LNG transport. This could occur at any time, however, and as long as the Trump Rule is in place, it is a

“build it and they will come” situation and an intolerable threat to communities nationwide.

It is unclear why the Biden Administration’s PHMSA issued a proposed rule to suspend the Trump Rule (while they research safety issues) but has not finalized and adopted it. Is it because of the Biden Administration’s agreement to increase LNG exports to Europe due to the Ukraine War and Russia’s militarization of natural gas?

Transporting LNG in rail cars poses unique hazards. If there is a container breach such as a derailment, the super-cooled (-260 degrees F) liquid methane is released as a vapor cloud that is 600-620 times greater than the volume of the liquid, causing freeze burns and robbing oxygen from the air for those in proximity, which in an enclosed space can be deadly¹. An unignited ground-hugging vapor cloud can move far distances, with movements that are difficult to predict.² If ignited, the fire is inextinguishable and the resulting pool fire is so hot it can cause skin burns in seconds.³ An LNG release can cause an explosion if confined in a space such as a sewer or building.⁴ It can result in a powerfully destructive Boiling Liquid Expanding Vapor Explosion.⁵ The emergency response to a broken cryogenic tank car is problematic for first responders and fire companies and risks catastrophe due to variable conditions that can influence the vapor cloud movements, the potential for explosions and the devastation of quickly spreading hot fires. These public safety hazards are some of the reasons LNG transport by rail car was banned.

LNG is liquefied methane. Methane is a greenhouse gas (GHG) 86 times more powerful than carbon dioxide in heating the atmosphere on a 20-year time scale and 104 times more powerful over a 10-year period, the periods of time when scientists say we must reduce GHG emissions to address the climate crisis. Methane leaks and/or is vented in all phases of the LNG production process, including storage, transport, transloading and use. The Biden administration has pledged to slash methane emissions to reduce the GHG emissions that are driving the world towards exceeding the 1.5 degree C limit that the UN IPCC Working Group has set as critical and that nations have pledged not to

¹ SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P. 11.

² SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P. 10, 11.

“Methane in vapor state can be an asphyxiant when it displaces oxygen in a confined space.” P. 11.

³ SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P. 10.

⁴ SP 20534 Special Permit to transport LNG by rail in DOT-113C120W rail tank cars. Final Environmental Assessment. Docket No. PHMSA-2019-0100. December 5, 2019. P. 11.

⁵ “LNG tank BLEVE is possible in some transportation scenarios.” Sandia National Laboratories, “LNG Use and Safety Concerns (LNG export facility, refueling stations, marine/barge/ferry/rail/truck transport)”, Tom Blanchat, Mike Hightower, Anay Luketa. November 2014. <https://www.osti.gov/servlets/purl/1367739> P. 23.

exceed. Pushing LNG onto train tracks, enabling export of LNG overseas, which increases dependence on fossil fuels rather than supporting Europe's investment in carbon-free renewables, and stepping up gas extraction in Pennsylvania does the opposite.

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