



Verbal Testimony NJDEP Public Hearing re.
Underground Storage Caverns; Proposed New Rules: N.J.A.C. 7:1F
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Delaware Riverkeeper Network is opposed to the storage of petroleum products in underground caverns because the risks are too great for New Jersey communities and our environment.

Petroleum gasses and their derivatives are hazardous, highly flammable, can cause explosion or fire, they release dangerous air pollution that impacts human health and the climate, and pose serious environmental impacts. While the proposed rulemaking attempts to address some of these issues, and we wholeheartedly support the prohibition of the storage of liquefied natural gas (LNG) in caverns, the proposed rules are fatally flawed due to serious oversights, omissions and a tunnel-vision perspective to cavern impacts. And they need to go further and prohibit the storage of petroleum in caverns completely. We will detail our criticisms in written comment.

Today we are highlighting just a few issues that we consider to be inexcusable oversights in the proposed rules.

The proposed rulemaking shows a complete disregard for environmental justice impacts. Gov. Murphy's Executive Order 23, DEP's AO 2021-25 and NJ's much heralded EJ Law all go unaddressed. That law states: "...siting sources of pollution in overburdened communities continues to pose a threat to the health, well-being, and economic success of the State's most vulnerable residents; and that it is past time for the State to correct this historical injustice." Yet this rulemaking greenlights the piling on of pollution for communities that are already bearing intolerable environmental burdens by not including any consideration for overburdened communities that could be impacted by caverns and the air emissions associated with their construction and operation. Look where the 6 caverns that do exist are located: Bayway Refinery is within .4 mile and adjacent to low income, minority or limited English census blocks; and Gibbstown is approx. 2 miles from low income, minority census blocks. How can this rule not include the mandates to give these injustices consideration?

Additionally, the proposed rulemaking doesn't address the requirement to reduce Greenhouse Gas Emissions (GHG), as required in Gov. Murphy's EO 100, which it references. In fact, it will add GHG emissions by allowing caverns to be built, inviting in the gas and oil industry when, according to Gov. Murphy's EO 274, state agencies are required to reduce GHG 50% by 2030. And the EO's requirement to address resiliency is not even met – not only can they build these caverns in flood hazard areas and areas subject to sea level rise, for instance, resiliency measures are voluntary with no requirement to implement anything!

The proposed rules are a lose-lose for climate and environmental justice.

Finally, I want to quickly add that the proposed rule's very narrow considerations of impacts leave out the comprehensive analysis that a health and environmental impact assessment must include to be accurate – for example, the transportation by truck, rail, barge, and/or pipeline, of these fossil fuels to the caverns and their exit and delivery to market from the caverns are essential factors of community impacts. The caverns are not islands and their impacts are far-reaching when you examine the full project and the full life cycle impacts of the fossil fuels involved. The narrow perspective of applicability in the proposed rulemaking will lead to piecemeal reviews and unaddressed, unrecognized, and unstoppable harm. DEP should know that by now.

NJDEP seems to be forgetting that New Jersey is the most densely populated state in the nation; has the highest number of superfund sites in nation and has a legacy of environmental contamination, including water, air and ecosystems; a plethora of overburdened communities in harm's way; and an urgent need to reduce fossil fuel infrastructure and its inevitable GHG emissions.

It makes no sense to allow the storage of petroleum gasses in underground caverns in NJ and the resulting injustices, environmental and climate harms are intolerable.