

## MODEL LNG TRANSPORTATION RESOLUTION – NJ

WHEREAS, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and

WHEREAS, the State of New Jersey Constitution declares “All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness”<sup>1</sup>; and

WHEREAS, Governor Philip D. Murphy recognized that “New Jersey is especially vulnerable” to the impacts of climate change and sea level rise, that “minority and low-income communities are disproportionately affected by climate change . . . [and] increased air pollution,” that “in the absence of action at the federal level, states must take the lead in reducing greenhouse gas emissions,” that it is “the policy of this State that . . . New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source,” and that “unlimited present day and future investments in expanded fossil fuel infrastructure [is] a potential waste of both private and public resources”<sup>2</sup>; and

WHEREAS, New Fortress Energy is planning the overland transport of Liquefied Natural Gas (“LNG”, also known as liquid methane) by truck on public highways and by rail car on existing railways from a yet-to-be-completed liquefaction plant in Wyalusing, Pennsylvania, to a proposed LNG export terminal in Gibbstown, New Jersey on the Delaware River (the “Gibbstown Logistics Center”); and

WHEREAS, New Fortress Energy subsidiary Energy Transport Solutions received a Special Permit from the Pipeline and Hazardous Materials Safety Administration (“PHMSA”)<sup>3</sup> for the transport of LNG in rail cars designed 50 years ago and never used for LNG transport while subsequent federal rulemaking requires a safer rail car design for all other carriers<sup>4</sup>; and,

WHEREAS, the transport of LNG has unique safety hazards, exposing those along these particular truck and rail routes to unprecedented and unjustifiable risk. An LNG release boils furiously into a flammable vapor cloud 620 times larger than the storage container. An unignited ground-hugging vapor cloud can move far distances,<sup>5</sup> and exposure to the vapor can cause extreme freeze burns. If in an enclosed space, it asphyxiates, causing death<sup>6</sup>.

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<sup>1</sup> <https://www.state.nj.us/state/archives/docconst47.html#page1>

<sup>2</sup> Exec. Order No. 100 (Jan. 27, 2020), 52 N.J.R. 365(a) (Mar. 2, 2020).

<sup>3</sup> Special Permit DOT-SP 20534 <https://www.phmsa.dot.gov/safe-transportation-energy-products/dot-20534-pdf>

<sup>4</sup> <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/2137-AF40%20Final%20Rule%20%206.19.20%20web%20final.pdf>

<sup>5</sup> “Immediate ignition with liquid still on the ground could cause the spill to develop into a pool fire and present a radiant heat hazard. If there is no ignition source, the LNG will vaporize rapidly forming a cold gas cloud that is initially heavier than air, mixes with ambient air, spreads and is carried downwind.” P. 10 “Methane in vapor state can be an asphyxiant when it displaces oxygen in a confined space.” P. 11. 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.

<sup>6</sup> 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.

If ignited, the fire is inextinguishable; the fire is so hot that second degree burns can occur within 30 seconds for those exposed within a mile. An LNG release can cause a Boiling Liquid Expanding Vapor Explosion.<sup>7</sup> The explosive force of LNG is similar to a thermobaric explosion – a catastrophically powerful bomb. The 2016 US Emergency Response Guidebook advises fire chiefs initially to immediately evacuate the surrounding 1-mile area.<sup>8</sup> No federal field research has shown how far the vapor cloud can move so in the most recent serious Plymouth, Washington, LNG fire, they evacuated a 2-mile radius<sup>9</sup>; and

WHEREAS, Delaware River Partners, LLC, a subsidiary of Fortress Transportation and Infrastructure Investors, LLC, has submitted an application to the Delaware River Basin Commission under Docket D-2017-009-2 to construct a transloading facility (“Dock 2”) at the Gibbstown Logistics Center that would transfer LNG from trucks and railcars to vessels; and

WHEREAS, the Delaware River Basin Commission states, “The vision of the Delaware River Basin Commission is built upon the Compact signed in 1961 by Delaware, New Jersey, New York, Pennsylvania, and the federal government. It is defined in the Delaware River Basin Compact as, “the conservation, utilization, development, management and control of water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare”<sup>10</sup>; and

WHEREAS, the Delaware River Basin Commission has recently affirmed in its statement on Diversity, Equity, Inclusion & Justice that its “core values” are “Service: to the public, the regulated community and our DRBC colleagues; Respect: for each other, the public and the Basin’s water resources; Professionalism: defined by high ethical standards, integrity, continuous improvement and accountability<sup>11</sup>; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by rail car on the communities along the possible transportation routes between Wyalusing, Pennsylvania, and Gibbstown, New Jersey; and

WHEREAS, no federal, state, or local agency has conducted a risk assessment of the specific transportation route(s) along which the LNG would travel; and

WHEREAS, no full scale Quantitative Risk Assessment, which quantifies the frequencies of events such as transportation accidents and their consequences, has been done of the trucks or

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<sup>7</sup> “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.

<sup>8</sup> US DOT Emergency Response Guidebook. <https://www.phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg>

<sup>9</sup> <https://www.sightline.org/2016/06/03/williams-companies-failed-to-protect-employees-in-plymouth-lng-explosion/>

<sup>10</sup> <https://www.nj.gov/drbc/library/documents/DRBCvision-mission-values.pdf>

<sup>11</sup> <https://www.nj.gov/drbc/about/staff/DEIJ.html>

rail cars that would contain the LNG that would travel from Wyalusing, Pennsylvania, to Gibbstown NJ<sup>12</sup>; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has conducted a comprehensive assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy's plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River past Delaware and South Jersey bayshore communities; and

WHEREAS, training or support in [the township/county/district] has not been provided for emergency or first response service organizations to respond to accidents, fires, explosions, derailments, or other emergencies related to LNG transport within this jurisdiction; and

WHEREAS, the absence of such assessments and support prevents the appropriate management of and avoidance of accidents, derailments, catastrophic events, health harms, and environmental damage and degradation that could occur from the transportation of LNG through these communities, including risks to public health, property values and the clean air and water upon which all citizens and businesses depend; and

WHEREAS, the potential transportation routes travel through communities with proportionately more minority and low income populations, compounding environmental injustices<sup>13</sup>;

NOW, THEREFORE, BE IT RESOLVED that:

1. The [Township/County/District] calls upon the members of the Delaware River Basin Commission to disapprove the Dock 2 project, Docket D-2017-009-2.
2. The [Township/County/District] calls upon the State of New Jersey to act in furtherance of its policy to transition away from fossil fuels by taking all measures possible to prevent the transportation of LNG by truck and/or by rail through New Jersey and by conducting a public health and safety analysis, a quantitative risk assessment, and a comprehensive environmental review of the potential impacts to communities and the natural environment in New Jersey.

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<sup>12</sup> “The QRA will help to evaluate the derailment and release probability of LNG rail cars over certain segments of the network, and account for a variety of track and train characteristics...An LNG risk model can be used to understand the probability and consequences for LNG transportation incidents for both rail and truck delivery. Even though they are treated differently, the underlying event tree analysis approach is the same. When the probability of LNG tank car derailment is understood, better decisions can be made regarding the crashworthiness, placement, and operation of rail cars and the potential consequences from an LNG release due to a derailment. Further study for modeling the probability and consequences of transporting LNG by rail and truck will help decision-makers understand public risks and make informed decisions.” “Risk Assessment of Surface Transport of Liquid Natural Gas”, prepared for U.S. DOT Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety prepared by Cambridge Systematics, Inc. with MaineWay Services, LLC, Rutgers University, Transport Analytics, LLC., ScienceSmith LLC, March 20, 2019. P. ES-9.

<sup>13</sup> Delaware Riverkeeper Network, <https://www.delawareriverkeeper.org/taxonomy/term/1174>

3. The [Township/County/District] calls upon Governor Murphy to rescind state permitting of the Gibbstown Logistics Center Dock 2 based on the lack of comprehensive, full and fair review of the potential public health and safety and environmental impacts of this project.
4. An official copy of this resolution be filed with the Delaware River Basin Commission, 25 Cosey Road, P.O. Box 7360, West Trenton, NJ 08628-0360 and that copies are sent to the voting members of the DRBC at their respective locations: the Governors of Pennsylvania, New Jersey, New York, and Delaware and the U.S. Army Corps of Engineers.
5. An official copy of this resolution be filed with New Jersey State Governor Phillip D. Murphy, PO Box 001, Trenton, NJ 08625