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Maya van Rossum, Delaware Riverkeeper Network, 215.369.1188x102 or 215.801.3043 (cell)
keepermaya@delawareriverkeeper.org

Tracy Carluccio, Delaware Riverkeeper Network, 215.369.1188x104 or 215.692.2329 (cell)
tracy@delawareriverkeeper.org

Delaware Riverkeeper Network Appeals New Jersey Permit for Delaware River LNG Export Terminal *Appeal Claims Violation of Coastal Zone Protections*

Trenton, New Jersey – Delaware Riverkeeper Network filed an appeal of the permit issued by New Jersey Department of Environmental Protection for a second dock and berths at the Gibbstown Logistics Center deepwater port that would allow the export of Liquefied Natural Gas (LNG) from the Gloucester County shipping terminal. According to the appeal filed with NJ Superior Court Appellate Division on October 18, the NJDEP-issued Waterfront Development permit violates Coastal Zone Management regulations and other New Jersey rules intended to protect coastal and water resources. The Waterfront Development permit approved a substantial expansion of the under-construction terminal, tripling the number of docks at the facility and adding LNG as a predominant cargo that would be exported overseas from the Delaware River facility.

“The public is supposed to be able to count on our state agencies to implement environmental protection regulations consistently, and for the benefit of our communities and environment. New Jersey DEP’s approval of the Waterfront Development permit for the Gibbstown LNG export facility is arbitrary, unreasonable and contrary to law because NJDEP had insufficient evidence to determine that there would be no adverse impacts to water quality or water quality violations. We are fighting this permit because it violates coastal zone regulations and jeopardizes the river’s resources with dangerous handling of LNG and natural gas liquids, new destructive dredging and riverfront development, and risks potentially catastrophic harm for all the local and regional communities, human and nonhuman, that will be exposed. Not only does this permit violate state law and regulations, but it is contrary to the state’s goal for battling climate change and protecting future generations,” **said Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network.**

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawareriverkeeper.org
www.delawareriverkeeper.org

“NJDEP has erred every step of the way on this key permit, risking environmental pollution and degradation. DEP had to correct an early mistake in the public notice of the draft permit for the LNG dock facility but when they re-noticed the permit, it seems it was just a formality because they changed not one word in the final permit, despite many critical and substantive public comments. Even the comment and response document was *pro forma*, without any depth, rife with conclusory statements. The lack of a necessary industrial stormwater permit, the fact that the site is grossly contaminated with hazardous and toxic substances that were not investigated by the applicant, and the extreme danger posed to endangered species that live in the river, are part of an egregious failure by NJDEP to implement required protections, ignoring the law. We are compelled to appeal to stand up for the river and public health and safety”, **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

NJDEP received an application from Delaware River Partners for a Waterfront Development Individual Permit for Dock 2 on March 5, 2019 and found it to be administratively complete on March 20, 2019. NJDEP issued the permit on May 20, 2019.

However, on June 5, 2019, NJDEP suspended the Permit due to their failure to provide public notice of NJDEP's receipt of DRP's application, as is required by regulation. NJDEP published notice in the June 5, 2019 NJDEP Bulletin, and provided a 15 day comment period.

On September 5, 2019, NJDEP lifted its June 5, 2019 suspension, reinstated the Permit, and issued a Response to Comments Document. NJDEP notified Delaware Riverkeeper Network of the reinstatement on September 10, 2019, leading to our appeal. The NJ Superior Court Appellate Division has acknowledged Delaware Riverkeeper Network's Notice of Appeal and is expected to issue an acceptance of the Appeal in the coming days.

The Waterfront Development permit is for Dock 2 with two new shipping berths that would allow the export by ship of LNG and natural gas liquids (NGL). The Center is on a site that is being developed as the Gibbstown Logistics Center in Greenwich Township, Gloucester County by Delaware River Partners, LLC, (DRP) a subsidiary of New Fortress Energy, which would carry out the shipping events. It is comprised of approximately 371 acres, located on a larger 1630-acre tract previously owned by E.I. du Pont de Nemours and Company (“DuPont”) since 1880, now under the control of Chemours Co., LLC. DuPont and others used the property for industrial purposes, including the manufacture of chemicals and explosives, until about 20 years ago. It is a superfund site that is still contaminated by several toxics, including aniline and nitrobenzene, a highly toxic carcinogenic chemical.

Originally billed as a warehouse-type terminal with one dock and one berth, the Center was going to handle automobiles, dry and perishable cargo. Bulk liquids such as NGL, like propane and butane, would be stored on site, utilizing the old cavern built by DuPont for the manufacture of explosives decades ago. NGL was to be exported by ship down the Delaware River to overseas ports. The new proposal by DRP for the additional dock and berths is supposed to reflect New Fortress Energy's revised market plans – to concentrate on LNG and NGL. It is proposed that LNG would be brought to the site by truck and possibly by rail, NGL primarily by rail, over hundreds of miles across Pennsylvania and New Jersey. These are other highly dangerous aspects of the proposal. Dock 2 would provide navigational access, mooring, and loading

equipment for an additional two ships up to 173,400 cubic meters in capacity and would be located west (downriver) of the single multi-purpose dock that is nearly completed near Thompson's Point on the Delaware River, across from Tinicum Township, PA, about 1.9 miles from the Philadelphia Airport and up against the residential community of Gibbstown, NJ.

The Dock 2 LNG project has received one other approval, from the Delaware River Basin Commission (DRBC) on June 12. Delaware Riverkeeper Network challenged that approval with a request for an administrative hearing, which was unanimously granted on September 11. DRBC has not yet set a hearing date. Several other approvals are required for the export project, including from the U.S. Army Corps of Engineers, U.S. Coast Guard, and the Department of Energy. The Federal Energy Regulatory Commission is also involved due to the proposed overseas export of LNG with legal challenges for the agency's failure to act also under consideration. There is currently no LNG export facility in New Jersey, Pennsylvania, or on the Delaware River. Many details about operations have not been publicly disclosed or approved yet by agencies.

A copy of the Delaware Riverkeeper Network's Notice of Appeal can be found here:
<https://bit.ly/35PcNg1>

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