

Legislation Text

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Calling on the Pipeline and Hazardous Materials Safety Administration to take action to prevent the transportation of liquefied natural gas through the City of Philadelphia; and further calling on the Federal Energy Regulatory Commission and/or the Army Corps of Engineers to perform an environmental impact statement of the proposed docking facility in Gibbstown, New Jersey.

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 (Gibbstown Logistics Center) at a site located approximately three miles downriver from the southernmost Philadelphia City limit and ten miles from Center City Philadelphia; and

WHEREAS, In December 2019, New Fortress Energy subsidiary Energy Transport Solutions received a Special Permit from the Pipeline and Hazardous Materials Safety Administration (PHMSA) for the transport of LNG in rail cars designed 50 years ago and never used for LNG transport; 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, and exposure to the vapor can cause extreme freeze burns. If in an enclosed space, it asphyxiates, causing death. If ignited, the fire is inextinguishable. 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 two-mile radius; and

WHEREAS, Spillage of LNG into water presents a hazardous situation where the water quickly transfers heat to the liquid methane, causing it to expand with explosive speed that can result in damage to nearby structures. Explosion can occur and have a cascading effect as the vapor cloud moves downwind or along topographical features such as a tributary, ditch, tunnel, or human-built structures, threatening public safety, human life, and the environment; and

WHEREAS, The likely routes for the trains carrying LNG to Gibbstown cut through the City of Philadelphia, traversing both the Schuylkill and Delaware Rivers adjacent to homes, day care centers, schools, hospitals, businesses, and important and valuable community and City assets, exposing those who live and work in the City to the risk of an accident that endangers the safety, health, wellbeing, and quality of life of those along the train route; and

WHEREAS, The likely rail routes travel through communities with proportionately more people of color and low-income populations, compounding environmental injustice in communities already unjustly burdened by environmental and public health harms; and

WHEREAS, Special Permit DOT-SP 20534 issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) to Energy Transport Solutions does not provide adequate safety protection for the

communities through which the rail cars will travel, failing to require an outer rail car tank that is thicker and made of steel with a greater puncture resistance to provide an added measure of safety and crashworthiness, along with other operational controls recommended by safety experts; and

WHEREAS, although New Fortress Energy's subsidiaries Delaware River Partners (DRP) and Bradford County Real Estate Partners (BCREP) have petitioned the Federal Energy Regulatory Commission for a Declaratory Order and Request for Expedited Action, requesting that FERC state that LNG terminal transloading operations at the Gibbstown Logistics Center and the natural gas liquefaction and truck and rail loading facility in Wyalusing Township, respectively, are not subject to the FERC jurisdiction, without FERC review and approval, there is a regulatory gap and lack of essential oversight over critical safety and operating aspects of these facilities, which endangers public health and safety and the environment; and

WHEREAS, No federal, state, or local agency has conducted a comprehensive environmental impact study or 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, of the trucks or railcars that would contain the LNG that would travel from Wyalusing, Pennsylvania, to Gibbstown, New Jersey has been conducted; and

WHEREAS, The Army Corps of Engineers has issued approval of a permit to DRP for the construction of a proposed new docking facility-which will transfer LNG from the trucks and railcars to docked vessels-but has not performed an environmental impact statement (EIS), leaving the project unexamined under the National Environmental Policy Act; and

WHEREAS, The growth in gas production through hydraulic fracturing and horizontal drilling, which the development of LNG transport and export infrastructure incentivizes, poses a direct and imminent threat to human health and the climate. Over the past decade, oil and gas infrastructure has been the primary source of the rising global atmospheric levels of methane, a gas which has a warming effect 86 times greater than CO₂ over a twenty-year period and 36 times greater over a hundred-year period; and

WHEREAS, Methane, a potent greenhouse gas and ground-level ozone precursor, is intentionally vented or known to leak from every part of the gas supply chain; and

WHEREAS, There has not been sufficient investigation or planning to prevent the spread of highly toxic legacy pollution at the former DuPont "Repauno" site, presenting a substantial threat to water quality and species in the Delaware River and regional groundwater, including lack of control of discharges of polychlorinated biphenyls (PCBs); and

WHEREAS, LNG's hazardous nature, flammability, and potential for powerful explosion combined with the difficulty of predicting the movement of LNG when released from a container such as a truck or rail car, exposes rail workers and emergency and first responders to danger that cannot be reliably prevented, risking the health and safety of these workers; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls upon the Pipeline and Hazardous Materials Safety Administration to rescind and not extend Special Permit DOT-SP 20534 for the transportation of liquified natural gas in rail tank cars for travel between Wyalusing Township, PA and Gibbstown, NJ.

FURTHER RESOLVED, THAT THE CITY COUNCIL OF PHILADELPHIA, Hereby calls upon the Federal Energy Regulatory Commission (FERC) to deny the petitions from Delaware River Partners and Bradford County Real Estate Partners that LNG operations at the Gibbstown Logistics Center, NJ and the LNG liquefaction facility in Wyalusing Township, PA, respectively, are not subject to FERC jurisdiction; to exercise its jurisdiction and full authority over the subject LNG operations at both of these projects, and to perform a comprehensive environmental impact study.

FURTHER RESOLVED, THAT THE CITY COUNCIL OF PHILADELPHIA, Hereby calls upon the Army Corps of Engineers to perform an environmental impact statement of the proposed docking facility at the Gibbstown Logistics Center.

FURTHER RESOLVED, That an official copy of this resolution be filed with the Administration of President Joseph Biden at the Council on Environmental Quality, The White House, 1600 Pennsylvania Ave NW, Washington, DC 20500.