



June 3, 2019

Commissioners & Executive Director
Delaware River Basin Commission
25 Cosey Road
P.O. Box 7360
West Trenton, NJ 08628

Re: Necessity of Cancelling June 6, 2019 Hearing on Delaware River Partners, LLC (NJ)
Gibbstown Logistics Center Dock 2, D-2017-009-2 and Proposed LNG Operations

Dear DRBC Commissioners and Executive Director Tambini,

The Commission must cancel its June 6, 2019 hearing on Delaware River Partners'/New Fortress Energy's ("Applicant") proposed Gibbstown LNG facility because any decision on the proposed project would violate the Commission's regulations. The Commission cannot act without the Applicant having provided all other required federal and state approvals for the proposed facility, which the Applicant has failed to do because it has not obtained all other required approvals. The Commission also cannot act without full information from the Applicant on the nature and extent of the project, which the Applicant has failed to provide. Most notably, the proposed facility would involve LNG operations, and yet even the Commission's public notice and proposed docket fail to identify this crucial fact.

The Commission's regulations state:

Where a project does not require approval by any other State or Federal agency, ***or where such approval is required but an Administrative Agreement is not in force***, the project shall be submitted directly to the Commission for review and determination of compatibility with the Comprehensive Plan, in such form of application, with such supporting documentation, as the Executive Director may reasonably require for the administration of the provisions of the Compact. ***These shall include without limitation thereto:***

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(a) Exhibits to accompany application. The application shall be accompanied by the following exhibits:

(1) **Abstract of proceedings authorizing project**, where applicable;

(5) Written report of the applicant's engineer showing the **proposed plan of operation** of a structural project;

18 C.F.R. § 401.39(a)(1) and (5) (emph. added).

The Applicant's failure to provide information on the proposed LNG operations and components of its proposed facility violates Commission regulations, which require a complete and accurate picture of the "proposed plan of operation" of the "structural project."). 18 C.F.R. §401.39(a)(5).¹ As DRN already noted in its May 28, 2019 letter to the Commission, the Applicant's omission of its LNG operations in its application materials is a significant informational gap that also should raise questions about the Commission's ability to trust the Applicant's representations. As detailed in DRN's prior letter, LNG operations pose specific and adverse risks to surrounding neighborhoods and the local environment. The inclusion of LNG operations is a significant aspect of the proposed project that must receive close review. Further, the Applicant has already segmented its operations at Gibbstown into different projects, even though they all support each other. Continuing to permit such segmentation masks the environmental and health harms of Applicant's operations as a whole.

In addition to failing to provide necessary information on its facility, the Applicant has failed to provide the Commission with other necessary permits and approvals for its proposed facility. For example, the proposed facility needs (among other approvals): Army Corps approval; a New Jersey Coastal Zone Management Act ("CZMA") consistency determination; and review under the National Environmental Policy Act ("NEPA") due to federal agency involvement. The Applicant has not provided these approvals to the Commission because the Applicant has not obtained them.

The proposed facility may also require Federal Energy Regulatory Commission ("FERC") approval because of proposed LNG operations at the proposed facility. As of this date, the Applicant has not even pre-filed with FERC, which is required under FERC regulations for LNG terminals. 18 C.F.R. § 157.21(a).

If the Commission proceeds with its hearing despite the Applicant's major failures to comply with Commission regulations and to provide the Commission and the public with necessary information about its facility, the Commission will violate its own regulations and set a dangerous precedent. It will allow a project to proceed without full vetting of the significant health, safety, welfare, and quality of life impacts of the project on Gibbstown and surrounding residents, and the harms to waterway health, aquatic life, recreation and other uses on the Delaware River. This would be particularly egregious on a site that already has seen extensive environmental degradation. The public deserves full and proper consideration of Applicant's proposed operations. To do that, the Commission must comply with its regulations, cancel the hearing on June 6, 2019, and require the

¹ Presumably, if the Applicant *had* provided the information, the Commission would have included the information in its public notice and draft docket.

Applicant to provide a complete application with all details on its proposed facility and the necessary state and federal approvals for the proposed facility.

Respectfully & Urgently,



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the Delaware Riverkeeper
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Tracy Carluccio
Deputy Director
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