

MEMORANDUM

Date: June 12, 2019

From: David Kovach, P.G., Manager – Project Review
Shane McAleer, P.E., Water Resource Engineer – Project Review

To: DRBC Commissioners and File

Subject: Docket No. D-2017-009-2, Delaware River Partners Gibbstown Logistics Center Dock 2
Greenwich Township, Gloucester County, New Jersey
DRBC Staff Recommendation and Response to Comments

I. Summary

In accordance with the *Delaware River Basin Compact* and implementing regulations, staff of the Delaware River Basin Commission (“DRBC” or “Commission”) prepared draft Docket No. D-2017-009-2 in response to an application submitted on March 12, 2019 by Delaware River Partners, LLC (DRP) to approve a dredging and wharf construction project (“Dock 2” or “Project”) at the Gibbstown Logistics Center (“GLC”). The GLC, which is currently under construction, is a multi-use marine terminal and international logistics center located at the former DuPont/Chemours Repauno site in Greenwich Township, Gloucester County, New Jersey. Previous DRBC, federal, state and local approvals for the GLC authorized dredging in the main stem Delaware River and construction of the deep-water berth referred to as “Dock 1,” consisting of one ship berth on a pile-supported wharf structure. Dock 2 is proposed to consist of an additional pile-supported wharf structure that accommodates two ship berths and associated infrastructure. The construction of Dock 2 involves dredging approximately 665,000 cubic yards (cy) of sediment from the Delaware River to a depth of 43 feet below (-43) mean lower low water (MLLW) to accommodate the two deep-water berths.

The Commission included a description of the Project application in its Notice of Applications Received (“NAR”) published on DRBC’s website on March 25, 2019 (provided as [Attachment A](#)). On that date or the following date, the NAR was also circulated via U.S. Mail or email to the Commission’s interested parties list (“IPL”) for the Project. On May 24, the Commission issued a public hearing notice and draft docket for the Project (provided as [Attachment B](#)). The notice appeared on the DRBC website, Eventbrite, Twitter and LinkedIn, and was circulated by email to more than 900 individuals or entities, including members of the press, that have opted to participate in DRBC’s listservs. As provided in the Commission’s hearing notice, the written comment period for the draft docket closed at 5:00 p.m. on June 7, 2019.

At the June 6, 2019 public hearing, 16 members of the public provided oral comments. Of the 16 speakers, several represented organizations and several spoke as individuals. The list of commenters is provided as [Attachment C](#). Additionally, DRBC received 119 written comments by the close of the written comment period on June 7, 2019. The list of written commenters and their comments are provided as [Attachment D](#).

Seven of the written submissions, including letters from trade organizations (iron workers, carpenters, electrical workers, ship pilots), elected officials (Gloucester County Board of Freeholders), and economic

development organizations (Chamber of Commerce of Southern New Jersey, Maritime Exchange for the Delaware River and Bay) expressed support for the project on grounds that it will:

- Create 200-300 construction jobs and 100-150 permanent jobs, most of them for South Jersey residents and members of local building trade groups
- Revitalize a former industrial site and generate local real estate tax revenues
- Spur economic growth in Gibbstown, Gloucester County, southern New Jersey, and the greater Philadelphia region
- Provide an ideal use for the former Repauno site, with access to rail and major interstate highway systems

The balance of the oral and written comments objected to the draft docket on one or more of the following grounds:

- Inadequate public notice
- Inadequate length of comment period
- Outstanding approvals from other agencies
- Health and safety hazards (unrelated to water resources)
- Air quality and climate effects
- Water quality impacts
- Aquatic life impacts

This Memorandum summarizes the grounds for support and grounds for opposition to the Project expressed by the commenters and provides responses developed by the DRBC staff in consultation with the Commissioners. During the Commission's Business Meeting on June 12, 2019, Mr. Kovach of the Commission's Project Review section provided an oral summary of the concerns raised by Project opponents and the responses set forth below. Mr. Kovach also recommended several changes to the draft docket, including but not limited to updating the status of a pending permit, correcting a locational coordinate, amending the project description by listing the types of bulk liquid fuels (including LNG) to be transloaded at the facility, and adding a condition to expressly provide that the Commission may rescind or reopen the docket if warranted in light of new information not available during the Commissioners' review.

II. Summary of Changes to Draft Docket D-2017-009-2

Amendments to the draft docket released for comment on May 24, 2019 consist of the following:

1. **Section A.2 Location** Correction of the latitude coordinate for Dock 2
2. **Section A.4. Project Description** is amended by the addition of the following statement, furnished by the applicant by email on June 5, 2019 in response to a request by the Commission for details regarding the "bulk liquids and bulk gases" to be transloaded at the site.

Dock 2 will support the transloading of a variety of bulk liquid products, including butane, isobutane, propane (collectively liquefied petroleum gas, or LPG), liquefied natural gas (LNG), and ethane. The products will arrive at the site via truck and/or railcar. Once at the site, the products will be transferred to vessels

via on-site infrastructure. There will be no manufacturing of any bulk liquid products at the site. There will be no bulk storage of LNG at the site.

3. **Table B-1**, which lists the application dates and status of permits from state and federal agencies required for the Project, is amended by:

- indicating that the Waterfront Development Individual Permit issued for the Project by the New Jersey Department of Environmental Protection on May 20, 2019 was suspended on June 5, 2019, due to a procedural error. The permit may be reissued once the error is remedied.
- adding as a required approval a U.S. Coast Guard Letter of Recommendation that the waterway to be utilized (the Delaware River and Bay) is suitable for the type and frequency of vessel traffic associated with the Project. (DRP has not yet applied for this letter for Dock 2.)

4. **Section C. Decision** is amended by the addition of Condition 15, providing:

The Commission reserves the right to open this docket at any time, and to reconsider its decision and any and all conditions imposed hereunder in light of further information developed by, or decisions rendered in, pending or future proceedings conducted by DRBC member state and federal agencies concerning the development and operation of the GLC Dock 2 and related facilities.

A copy of Docket D-2017-009-2 incorporating these changes, as approved by the Commission on June 12, 2019, is provided as [Attachment E](#).

III. Response to Comments, by Category

Jobs and Economic Development: The Commission acknowledges the comments urging approval of the Project on grounds that it is an appropriate use of the site, that it will create construction jobs and permanent jobs, and that it will generate tax revenue and spur economic development in southern New Jersey and the larger region.

Public notice: Commenters alleged that neither the draft docket, nor the public notices and file materials provided by the DRBC, federal, state, and local agencies adequately reflected that the Project is to be used as a liquified natural gas (LNG) terminal.

DRBC Response: The Commission can respond only for itself and not for the agencies of its members. All of the application materials the Commission received were shared with the public. The Commission's Notice of Application Received ("NAR") ([Attachment A](#)) was posted on DRBC's website and distributed via social media and listservs on March 25. The NAR provided a brief though accurate description of the Project as presented in the application, including the details most pertinent to DRBC's review. In accordance with the Commission's *Rules of Practice and Procedure*, 18 CFR Part 401, Subpart C, such review is required for any project that entails deepening or dredging a portion of the Delaware River or that substantially encroaches on the river. The project review file that was furnished to interested parties in response to records requests under Subpart H of the *Rules of Practice and Procedure* contained all the information furnished by the applicant, including a detailed dredge management plan describing how the

dredge and construction operations for the Project are to be performed. A site plan drawing for the Project was also provided. The text of the draft Docket includes relevant portions of the applicant's project description, explaining that Dock 2 is designed for the loading of bulk liquid products directly from railcar or truck onto ocean-going vessels for export and includes infrastructure for transloading operations (draft Docket, page 2, bottom). The Commission does not review or approve the cargo that moves through a marine terminal.

Opportunity for comment: Commenters objected that the amount of time provided by the DRBC for review and comment on the application and draft docket was inadequate.

DRBC Response: The Commission received the Project application on March 12, 2019. As noted above, a Notice of Application Received ("NAR") for the Project was posted on DRBC's website and distributed via social media and listservs on March 25. The NAR invited "[i]ndividuals or organizations having a special interest in [any of the projects listed] or information relating to a project's impacts on water and related land resources of the Delaware River Basin" to "submit written comments to the Water Resource Management Branch." DRBC's Notice of Public Hearing and draft Docket D-2017-009-2 were posted on the Commission's website and on Eventbrite on May 24, 2019. That day or the following day, the notice and draft docket also were circulated via Twitter, LinkedIn, and RSS, as well as by email to more than 900 individuals or entities, including members of the press, that have opted to participate in DRBC's listservs. These measures more than satisfied the Compact's requirement that 10 days' notice be given "by posting at the offices of the [C]ommission." Compact § 14.4. The comment period remained open until 5:00 p.m. on June 7, 2019. After the comment period on a matter has closed, the DRBC may approve, approve with conditions, or disapprove an item at any subsequent duly noticed public meeting of the Commission. The Commission has no rules establishing the length of a public comment period.

Outstanding approvals from other agencies: Commenters alleged that the Commission cannot act on a project review application before all other required federal and state approvals for the project have been issued and supplied to the Commission. The applicant has not yet obtained all other approvals needed for the Project.

DRBC Response: DRBC requires applicants to identify necessary approvals, including, where applicable, approvals that have been issued. Where applicable to DRBC's review, the Commission may rely on information contained in approvals issued by other agencies. DRBC routinely approves projects either before state and federal agencies have acted or afterward, generally based on the preferences of the host state under the particular circumstances. DRBC docket conditions always provide that the project sponsor must obtain all necessary federal, state and local approvals. Specifically, Condition C.8. of Docket No. D-2017-009-2 provides, "Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project."

Health and safety hazards: Commenters raised safety and related public health concerns associated with the transport of LNG, but which are unrelated to water resources, including the risks that LNG will explode or spill from trucks transporting it, especially given the proximity of the Project to residences, bridges and the Philadelphia Airport.

DRBC Response: In accordance with Section 3.8 of the Delaware River Basin Compact (“Compact”), the Commission’s review must ensure that the Project does not impair or conflict with the Commission’s Comprehensive Plan (“Plan”). Along with the Commission’s policies and regulations, the Plan includes those public and private projects and facilities that “are required, in the judgment of the Commission, for the optimum planning, conservation, utilization, management and control of the water resources of the basin to meet present and future needs...” (Compact § 13.1). Section 3.8 provides that the Commission “shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the [C]omprehensive [P]lan”, and further, that the Commission may “modify [a project] and approve [the project] as modified” to ensure the project does not impair or conflict with the Plan. Accordingly, the Commission’s dockets include any provisions and conditions that in the Commission’s view are required to ensure a project does not impair or conflict with the Plan. The public safety concerns, although legitimate concerns of government, are unrelated to the water resources facilities and water quality, quantity and flow management matters included in the Comprehensive Plan.

To the extent, if any, that the noted concerns overlap with matters addressed by the Comprehensive Plan, the Compact expressly authorizes and directs the Commission to “utilize and employ such offices and agencies for the purpose of this [C]ompact to the fullest extent it finds feasible and advantageous.” Compact, § 1.5. The Compact further provides that the Commission may “[e]mploy any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, ... for any ... purpose;” (Compact § 3.9(b)). For matters related to public safety and emergency management in the context of commercial shipping, the Commission defers to agencies of its member states and the federal government that possess expertise the Commission lacks in these areas. Specifically, it is the Commission’s understanding that the applicant must obtain from the United States Coast Guard (USCG) a Letter of Recommendation (“Letter”) to the effect that the waterway to be utilized (the Delaware River and Bay) is suitable for the type and frequency of commercial vessel traffic expected to accompany the Project. The USCG, in consultation with state and local agencies and stakeholders, will make this assessment for the GLC Dock 2. Permit Status Table B-1 of the draft docket has been modified to include the required Letter.

Air quality and climate: Commenters stated that LNG export activities associated with the Project would contribute to greenhouse gas emissions and the other negative effects of climate change, because the Project will drive the increased production of fossil fuels and reliance on these fuels and will inevitably result in additional leakage of methane gas, thereby impeding the development of sustainable and renewable energy sources.

DRBC Response: The issues raised by commenters, while important public policy concerns, are among a larger set of energy policy matters being studied, debated and incrementally resolved at state, interstate, and national levels. The Commission’s evaluation under Section 3.8 of the Compact is limited to determining whether the Project substantially impairs or conflicts with the Commission’s Comprehensive Plan. Our evaluation is thus focused on management of the Basin’s water resources and not on wider energy policy questions.

Water quality: Commenters expressed concern over the potential for water quality impacts resulting from sediment disturbance and pollution/contamination caused by dredging;

DRBC Response: The applicant submitted protective dredging procedures and a Dredged Material Management Plan (DMMP), which detail sediment and discharge controls to be used during construction of the Project to protect water quality. Section C.6. of the Docket requires the use of these procedures.

The 665,000 cubic yards of dredged material to be removed from the berthing facility were sampled in accordance with an NJDEP-approved Sediment Sampling and Analysis Plan dated December 24, 2018. The analytical results of the sampling were included in the DMMP submitted with the application. Analytical testing results were compared to the following remediation standards, as applicable: (a) New Jersey Non-Residential Direct Contact Soil Remediation Standards (“NRDCSRS”); (b) New Jersey Residential Direct Contact Soil Remediation Standards (“RDCSRS”); (c) New Jersey Default Impact to Groundwater Soil Screening Level (“IGWSSL”) 1; (d) New Jersey Default Impact to Groundwater Screening Level for Synthetic Precipitation Leaching Procedure (“SPLP”) Analyses (for SPLP samples only); and (e) 2005 toxic equivalence (TEQ) (tetrachlorodibenzo para dioxin (TCDD) TEQ) for dioxins and furans. The results of bulk sediment chemistry analyses performed on composite samples are summarized below:

- Semivolatile organic compounds (SVOCs): All sample concentrations were either “non-detect” (below the laboratory detection limit) or detected at concentrations below applicable standards.
- Polychlorinated biphenyls (PCBs) (209 congeners): Congener-specific standards are not available for comparison; however, no individual PCB congener concentration exceeded the remediation standard established for total PCB congeners, and the sum of individual PCB congeners within each composite sample was below the remediation standard for total PCB congeners.
- Organochlorine pesticides: All sample concentrations were either “non-detect” (below the laboratory detection limit) or detected at concentrations below applicable standards.
- Inorganics: All sample concentrations were either “non-detect” (below the laboratory detection limit) or detected at a concentration below applicable NRDCSRS and RDCSRS. Contaminant concentrations, except those for manganese, were either “non-detect” (below the laboratory detection limit) or below the IGWSSL for all samples. Manganese was identified at concentrations slightly exceeding its IGWSSL of 430 mg/kg, with concentrations ranging from 490 to 750 mg/kg.
- Polychlorinated dibenzodioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs): Several PCDD and PCDF compounds were detected at low concentrations; however, the TEQ concentration for each sample was below the applicable remediation standard. As described in the docket, dredged sediments are expected to be sent to the Fort Mifflin Confined Disposal Facility (CDF) or Whites Rehandling Basin.

The remediation underway at the former Repauno site under the direction of NJDEP includes groundwater treatment, contaminated soil removal and capping of contaminated areas. These measures will reduce contamination at the site and reduce contaminants leaving the site.

Aquatic life impacts: Commenters stated that dredging, dock construction, and increased ship traffic will have adverse impacts on aquatic life and aquatic habitat, including on threatened and endangered species such as the Atlantic sturgeon and short nose sturgeon, as well as on freshwater mussels and resident fish. The commenters also expressed concerns regarding impacts to bald eagles and osprey.

DRBC Response: The *Delaware River Basin Water Code* (incorporated by reference at 18 CFR Part 410) provides in relevant part that “The quality of Basin waters shall be maintained in a safe and satisfactory condition for ... wildlife, fish and other aquatic life.” (Water Code § 2.20). To protect water quality and aquatic life during construction of the Project, condition C.6 of the docket requires the applicant to use the protective measures outlined in Sections B.1. and B.2. for dredging and wharf/berth construction, respectively.

As noted above, Sections 1.5 and 3.9(b) of the Compact authorize and direct the Commission to use the agencies, offices and instrumentalities of its state and federal members for purposes of the Compact to the extent the Commission finds feasible and advantageous. To address potential impacts of the Project on federally listed threatened or endangered species and their habitat, the Commission is deferring to the National Marine Fisheries Service (NMFS), the federal agency responsible for listing the species as threatened or endangered and designating their critical habitat areas. Before the U.S. Army Corps of Engineers (USACE) can issue the Clean Water Act Section 404 permit and Rivers and Harbors Act Section 10 approval required for the Project, in accordance with the Endangered Species Act, USACE must consult with the NMFS concerning potential effects of the Project on the Atlantic sturgeon and short nose sturgeon and their habitat. That consultation process is not yet complete. Section C.8 of the docket states expressly that the docket does not exempt the docket holder from obtaining all necessary permits and approvals from other state, federal or local government agencies having jurisdiction over the Project.

IV. Response to Written Comments of the Delaware Riverkeeper Network (“DRN”) dated June 7, 2019

DRN Comment 1 – Information was missing in site plans required for Docket No. D-2017-009-1: DRN stated that section C.I.(c) of DRBC Docket D-2017-009-1 (approving the Gibbstown Logistics Center’s Dock 1) requires that detailed site plans be provided by applicant Delaware River Partners LLC (DRP) for its upland facilities. DRN states that on the basis of file reviews its members have performed since Docket D-2017-009-1 was issued, DRP has not satisfied this condition. DRN said its representative saw nothing in the DRBC’s files disclosing DRP’s plans to include LNG as a cargo.

DRBC Response: Condition C.I.(c) of Docket D-2017-009-1 (issued on December 13, 2017) required DRP to submit “detailed project site plans ... for the remainder of the [Gibbstown Logistics Center] not submitted with the DRBC application, including the proposed: automobile import area/parking lot; processing facilities; perishables, bulk-liquids and gases, and bulk cargo handling areas; warehouses and associated buildings; stormwater management system (including stormwater outfalls); and the associated infrastructure.” Those plans were submitted to the

Commission on December 20, 2018 and were among the records furnished to DRN for inspection on June 4, 2019. In compliance with condition C.I.(c) of the docket, the plans included bulk liquid tank locations, liquid rail lines, sphere tank locations, butane rack location, vehicle processing building, car wash facility, body shop building, stormwater facilities, and other associated infrastructure.

DRN Comment 2 – DRBC stated at the June 6 public hearing that there would be no bulk liquid storage at the site: DRN asks why the site plans show a bulk liquid tank area, a sphere tank area and the on-site cavern for bulk liquids storage if, as DRBC staff stated at the public hearing on June 6, there will be no bulk liquid storage on site and only truck or rail transloading directly to ships.

DRBC Response: As the video of the June 6, 2019 public hearing makes clear, DRBC staff stated at the June 6, 2019 public hearing that *no bulk storage of LNG* would occur at the site. That statement was and is accurate.

DRN Comment 3 – Atlantic sturgeon critical habitat: The DRBC draft docket fails to acknowledge that the federal government established the Delaware Estuary as critical habitat for the New York Bight DPS of Atlantic Sturgeon in August 2017. DRBC's *Water Quality Regulations* at § 4.30.5-B.1 acknowledge that the Commission must evaluate critical habitat, and that this evaluation must follow its *Rules of Practice and Procedure*. Despite the federal ruling, DRBC has yet to initiate its procedures for verifying the critical habitat established by the federal government, and the role that critical habitat will play in docket decisions.

DRBC Response: As noted above, the *Water Code* provides in relevant part that "The quality of Basin waters shall be maintained in a safe and satisfactory condition for ... wildlife, fish and other aquatic life." (WC § 2.20). In the context of the Commission's *Water Quality Regulations* for the tidal Delaware River concerning exceedance of stream quality objectives for the protection of aquatic life from acute effects (mixing zones) (WQR § 4.20.5 A.1.), DRBC regulations also provide that "[s]tream quality objectives shall not be exceeded in areas designated as critical habitat for fish and benthic organisms" (WQR § 4.20.5 A.1.b.). In other words, a mixing zone is not permitted within an area designated by the Commission as critical habitat. No mixing zone is proposed for the Project. Federally listed endangered species and their habitat in the Delaware River Estuary are protected under the Endangered Species Act (ESA).

Also as noted above, before the U.S. Army Corps of Engineers (USACE) can issue the Clean Water Act Section 404 permit and Rivers and Harbors Act Section 10 approval required for the Project, in accordance with the ESA, USACE must consult with the National Marine Fisheries Service (NMFS) to ensure the Project does not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat on which the species depends. As the federal agency responsible for listing the species as threatened or endangered and designating critical habitat areas, NMFS possesses the requisite expertise to provide such guidance. The ESA consultation process for the Project is underway, although it is not yet complete. In accordance with Sections 1.5 and 3.9(b) of the Compact, which authorize and direct the Commission to use the agencies, offices and instrumentalities of its state and federal members for purposes of the Compact to the extent the Commission finds feasible and advantageous, the Commission is deferring to the ESA consultation process in this context.

DRN Comment 4 – Ballast Water: More shipping vessels mean more ballast water needs, discharges, and impacts, including impingement and entrainment and introduction of exotic species.

DRBC Response: In accordance with Sections 1.5 and 3.9(b) of the Compact, the Commission is relying on the agencies, offices and instrumentalities of its state and federal members to address issues regarding ballast water discharges, the introduction of exotic species associated with such discharges, and the issues of impingement and entrainment by ballast water intakes. Pursuant to the [Vessel Incidental Discharge Act of 2018](#), ballast water discharges currently are subject to the requirements of the [2013 Vessel General Permit](#) (VGP) issued by the United States Environmental Protection Agency (EPA), pending the development by EPA of performance standards for such discharges and the promulgation by the United States Coast Guard (USCG) of implementation, compliance and enforcement regulations to support the EPA standards. Such discharges are also subject to existing regulations of the USCG codified at 33 CFR Part 151. Subpart D of Part 151 of these regulations consists of provisions for Ballast Water Management for Control of Nonindigenous Species in Waters of the United States. The applicant's Atlantic Sturgeon and Shortnose Sturgeon Impact Assessment (February 2019) submitted as Appendix D of its NJDEP Waterfront Development Individual Permit application for the Project thus correctly states that vessels calling at the proposed Dock 2 will be required by law to comply with USCG regulations for avoiding the introduction of invasive species through ballast water, which include practices for ballast water uptake as well as for ballast water discharges. Under USCG regulations, the majority of ballast water exchanges for vessels calling on Dock 2 will occur in off-shore marine waters. (See 33 CFR § 151.1510(a)(1)). In accordance with the VGP, while at berth, discharges and intake of ballast water are limited to the minimum needed to assure vessel stability.

DRN Comment 5 – PCBs from DRP's development on a portion of the Repauno site: DRBC required in Docket D-2017-009-1 (issued in December 2017 for GLC Dock 1), condition C.I.I., that a PCB sampling program was to be conducted by docket holder Delaware River Partners ("DRP"); and a NJPDES permit was to be issued requiring DRP to assess PCB migration from the site and potentially requiring DRP to develop and implement a separate pollutant minimization plan for its stormwater outfalls from the site. However, the project is currently under construction while no NPDES permit is in place that requires sampling and monitoring of the release of PCBs during this critical disturbance phase of the project.

DRBC Response: DRBC Docket D-2017-009-1 Condition C.I.I. provides that in accordance with a NJPDES permit when issued, DRP "shall perform an investigation of the site to assess the disposition of stormwater outfalls either directly or indirectly to the Delaware River in order to develop and implement a PCB stormwater sampling plan" and further, that "[u]pon evaluation of the sampling results by the NJDEP in consultation with the DRBC, DRP may be required to develop and implement a separate PMP for PCBs in accordance with Section 4.30.9 of the Commission's *Water Code and Water Quality Regulations* (18 CFR Part 410)." The docket and condition remain in effect; however, the condition does not apply to the construction phase of the re-development.

In accordance with section 4.30.9 of the Commission's *Water Quality Regulations* and *Water Code*, a PCB pollutant management plan was developed in 2005 for the entire Repauno property, including the area to be developed by DRP under Docket D-2017-009-1 ("GLC 1 site"). Implementation of that plan has been ongoing, including the submission to NJDEP and the DRBC of annual reports by DuPont and its successor in interest Chemours. Under NJDEP's oversight and

in accordance with the PMP, Chemours has removed or capped PCB-contaminated soil and sediment. Under the PMP, Chemours continues to monitor outfalls 008A, 0010A and 0012A for PCBs, upstream and downstream of DRP's GLC 1 site on the former Repauno property.

The investigation and development of a stormwater sampling plan for the GLC 1 site are to be performed after re-development of the GLC 1 site has occurred, to provide assurance that the additional capping and elevation with clean fill of this portion of the former Repauno property has reduced or eliminated PCB loadings from this area. If a NJPDES permit including the condition set forth in Condition C.I.I. of Docket D-2017-009-1 is not forthcoming, then DRBC will implement the condition pursuant to its authority under Sections 4.30.8 (Tests, Sampling and Analysis Procedures) and 4.30.9 A.2. (Pollutant Minimization Plans for Toxic Pollutants; Applicability) of the Commission's *Water Quality Regulations* or will modify the docket to effectuate the requirement directly. Under remedial action permits that will be issued after the completion of remediation activities by the prior owner (Chemours), DRP will also maintain and monitor the effectiveness of all caps.

After careful review of the Project and the written and oral comments submitted on the draft docket, Commission staff recommend that the Commissioners approve Docket No. D-2017-009-2.

ATTACHMENTS

ATTACHMENT A

Notice of Applications Received, March 25, 2019

ATTACHMENT B

*Notice of Public Hearing on Draft Docket D-2017-009-2
(includes draft docket)*

ATTACHMENT C

List of Commenters, Public Hearing of June 6, 2019

ATTACHMENT D

List of Written Commenters; Written Comments

ATTACHMENT E

Docket 2017-009-2 FINAL (approved on June 12, 2019)

**Delaware River Basin Commission**

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Web Site: <http://www.drbc.gov>**Steven J. Tambini, P.E.**
Executive Director**NOTICE OF APPLICATIONS RECEIVED (NAR)**

The Commission recently received applications from the sponsors of the following projects for approval pursuant to Section 3.8, Article 11, and/or Section 10.3 of the *Delaware River Basin Compact*. These projects currently are under review by the Commission staff in consultation with other public agencies. Individuals or organizations having a special interest in any projects or information relating to a project's impacts on water and related land resources of the Delaware River Basin are invited to submit written comments to the Water Resource Management Branch. Please refer to the appropriate docket number, listed below, on all correspondence. Public hearings as may be required for these projects will be announced at a later date in accordance with the Commission's *Rules of Practice and Procedure*. Please refer to the Commission's website (<http://www.nj.gov/drbc/programs/project/pr/status-pg.html>) to track the status of these projects.

1. Philadelphia Gas Works, D-1976-055 CP-4. An application to renew the approval of an existing discharge of up to 6.67 million gallons per day (mgd), based on a long-term average flow of non-contact cooling water (NCCW) from process compressors, heat exchangers and the emergency fire suppression system via Outfall No. 004 at the PGW Richmond Plant. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 106.5, in the City of Philadelphia, Philadelphia County, Pennsylvania.
2. Doylestown Borough, D-1979-018 CP-6. An application to renew the approval of an existing groundwater withdrawal with a decrease in allocation from 50.6 million gallons per 30 days (mg/30 days) to 48 million gallons per month (mgm) to supply the applicant's public water supply distribution system from existing Wells Nos. 7, 8, 9, 10 and 12. The project wells are completed in the Stockton Formation. The project is located in the Commission's designated Southeastern Pennsylvania Groundwater Protected Area (GWPA) in the Neshaminy Creek Watershed, Borough of Doylestown, Bucks County, Pennsylvania.
3. Ambler Borough, D-1985-026 CP-6. An application to renew the approval of an existing groundwater withdrawal of up to 93 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 2, 4, 6, 7, 8, 9, 11, 12 and 14 and the Whitemarsh Spring Well. The project wells are completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania GWPA in the Wissahickon Creek Watershed, Borough of Ambler, Montgomery County, Pennsylvania.
4. Bally Borough, D-1994-044 CP-4. An application to renew the approval of the existing 0.5 mgd Borough of Bally wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to West Branch Perkiomen Creek at River Mile 92.47 - 32.08 - 18.65 - 5.20 - 3.55 (Delaware River - Schuylkill River - Perkiomen Creek -

Green Lane Reservoir - West Branch Perkiomen Creek) via Outfalls Nos. 001 and 002, in Washington Township, Berks County, Pennsylvania.

5. Lehigh County Authority, D-2001-020 CP-6. An application to renew the approval of the applicant's Central Lehigh Division System allocation of 256.24 mgm of groundwater from 19 existing wells and an interconnection with the City of Allentown for public water supply. The wells are completed in the Allentown, Jacksonburg and Beekmantown formations in the Little Lehigh Creek - Lehigh River, Liebert Creek - Little Lehigh Creek and Spring Creek watersheds in Lower Macungie, Upper Macungie and South Whitehall townships, Lehigh County, Pennsylvania within the drainage area of the section of the main stem Delaware River, known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
6. Delaware River Partners, LLC, D-2017-009-2. An application for a new dredging project at the Delaware River Partners (DRP) Gibbstown Logistics Center, a multi-use deep-water seaport and international logistics center currently under development, located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, New Jersey. The new project consists of the construction of an additional dock/wharf containing two deep-water berths, which will include the dredging of approximately 665,000 cubic yards of sediment from the Delaware River to a depth of 43 feet below mean lower low water (MLLW) elevation.

David Kovach, P.G.
Manager, Project Review
March 25, 2019

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DELAWARE RIVER BASIN COMMISSION
NOTICE OF PUBLIC HEARING
JUNE 6, 2019

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on **Thursday, June 6, 2019** at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, Ewing, New Jersey. The hearing is open to the public.

Public Hearing. The public hearing on **June 6, 2019** will begin at **10:30 a.m.** The subject of the hearing is draft docket D-2017-009-2, for a dredging and deep-water berth construction project known as “Dock 2” at the Gibbstown Logistics Center, a multi-use marine terminal and logistics center under construction in Greenwich Township, Gloucester County, NJ. The project sponsor is Delaware River Partners, LLC. **Written comments on the draft docket will be accepted through 5:00 p.m. on Friday, June 7.**

A more detailed description of the proposed project and a link to the draft docket follow:

Delaware River Partners, LLC (NJ) Gibbstown Logistics Center Dock 2, D-2017-009-2. An application for a new dredging project at the Delaware River Partners (DRP) Gibbstown Logistics Center, a multi-use deep-water seaport and international logistics center currently under development, located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, New Jersey. The new project consists of the construction of an additional dock/wharf containing two deep-water berths, which will include the dredging of approximately 665,000 cubic yards of sediment from the Delaware River to a depth of 43 feet below mean lower low water (MLLW) elevation. [View draft docket.](#)

At the Commission’s quarterly business meeting on June 12, 2019 (details [here](#)), Commission consideration of any item for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred item will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on draft Docket D-2017-009-2 on the record during the public hearing on June 6, are asked to sign-up in advance through [EventBrite](#). For assistance, please contact Ms. Paula Schmitt of the Commission staff, at paula.schmitt@drbc.gov.

Submitting Written Comment. Written comment on draft Docket 2017-009-2 may be made through the Commission's web-based comment system, a link to which is provided at www.drbc.gov. Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance in using the web-based comment system, please contact Paula Schmitt at paula.schmitt@drbc.gov.

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact the Commission Secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to the hearing item may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609-883-9500, ext. 240. For other questions concerning this hearing item, please contact David Kovach, Project Review Section Manager at 609-883-9500, ext. 264.

Pamela M. Bush
Commission Secretary and Assistant General Counsel

May 24, 2019

This DRAFT Docket has been prepared for the purposes of the scheduled public hearing and may be substantially modified as a result of the public hearing process prior to Commission action.

5/24/2019 9:36 AM

DOCKET NO. D-2017-009-2

DELAWARE RIVER BASIN COMMISSION

**Delaware River Partners LLC
Gibbstown Logistics Center Dock 2
Greenwich Township, Gloucester County, New Jersey**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 12, 2019 (“Application”), requesting approval of a new Delaware River dredging and deep-water berth construction project (the “Project”) at the docket holder’s previously approved Gibbstown Logistics Center (GLC). The New Jersey Department of Environmental Protection (NJDEP) on May 20, 2019 issued its Waterfront Development Individual Permit for the Project (0807-16-0001.2 WFD190001), which includes the Water Quality Certificate required by Section 401 of the federal Clean Water Act. At the time of consideration of this Application, pending approvals for the Project include the NJDEP Tidelands Licenses required for a fixed structure and dredging; the United States Army Corps of Engineers (USACE) Section 10/404 Individual Permit; and other local government approvals.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Gloucester County Planning Board has been notified of pending action. A public hearing on the draft docket was held by the DRBC on June 6, 2019.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an additional dredging and deep-water berth construction project, referred to as “Dock 2,” at the docket holder’s previously approved GLC on the Delaware River. The GLC, which is currently under construction, is a multi-use marine terminal and international logistics center located at the former Repauno site (also formerly known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”) in Greenwich Township, Gloucester County, New Jersey. Previous DRBC, federal, state and local approvals for the GLC authorized Delaware River dredging and construction for the deep-water berth referred to as “Dock 1,” consisting of one-ship berth on a pile-supported wharf structure. Dock 2 will consist of an additional pile-supported wharf structure that accommodates two ship berths and associated infrastructure. The construction of Dock 2 involves dredging approximately 665,000 cubic yards (cy) of sediment from the Delaware River to a depth of 43

feet below (-43) mean lower low water (MLLW) to accommodate the two deep-water berths. The Project does not involve demolition of any existing in-water or landside structures.

2. Location. The Project is located at the former Chemours Repauno industrial site, 200 North Repauno Avenue in Greenwich Township, Gloucester County, New Jersey (also formerly known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”). The Project includes dredging and construction of deep-water berths at River Mile 86.5 in Water Quality Zone 4 of the Delaware River, as follows:

SITE	LATITUDE (N)	LONGITUDE (W)
Existing Dock 1	39° 50' 42"	75° 17' 45"
Proposed Dock 2	39° 40' 44"	75° 18' 29"

3. Project Area. The GLC marine terminal project, approved by DRBC Docket No. D-2017-009-1 on December 13, 2017, involves re-development of a 218-acre portion of the former 1630-acre Repauno industrial property in Greenwich Township, Gloucester County, New Jersey with a multi-use marine terminal and international logistics center. Docket No. D-2017-009-1 approved the construction of the marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). The instant Project consists of a second wharf (Dock 2), containing two deep-water ship berths, which will be located at Thompson’s Point, downriver (to the west) of Dock 1, at the location of a former barge pier.

For the purpose of defining the Project Area, the docket holder’s Application is incorporated herein by reference, consistent with conditions contained in the DECISION section of this docket.

4. Project Description. The previously approved GLC marine terminal project consists of Dock 1 and the adjacent landside logistics center and marine terminal facilities. Construction of Dock 1 was substantially completed in December 2018, and construction of the marine terminal facilities and logistics center is underway. Dock 1 is a multi-purpose one-ship deep-water berth capable of handling a variety of freight, including automobiles (roll-on/roll-off), non-containerized break bulk cargoes, bulk products, and liquids from either trucks or rail cars. The logistics center and marine terminal facilities include a parking lot for vehicles; facilities for processing, perishables handling, non-containerized break bulk cargo handling, and bulk-liquids and gases handling; two warehouse buildings; and a stormwater management system and associated infrastructure.

Dock 2 will consist of a wharf featuring two deep water berths to accommodate a range of ocean-going vessels of a maximum length of 966 feet and maximum draft of 39.7 feet. The project involves dredging of approximately 665,000 cy of Delaware River sediment (primarily silts and sands) in a 45-acre area to provide access to the Federal Navigation Channel of the Delaware River. Dock 2 is designed for the loading of bulk liquid products directly from railcar or truck onto ocean-going vessels for export and includes infrastructure for transloading operations. Additional details of the dredging and wharf/berth construction follow:

– Dredging: Approximately 665,000 cy of sediment over a 45-acre area will be dredged from the Delaware River in order to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of over draft. The dredging will allow the new marine terminal to access the Federal Navigation Channel (“Channel”). Current water depth in the area of the proposed dredging varies between -3 feet MLLW nearshore and -40 feet MLLW towards the Channel. Sediment within the dredge area consists of silt, some fine sand and trace gravel. The depth of sediment to be dredged ranges from 20 feet nearest the berths and less than one foot nearest the Channel. A sampling program has been implemented, and the resulting data were submitted with the Dredged Material Management Plan dated March, 2019.

– Wharf/Berth Structure Construction: The Dock 2 wharf containing 2 berths will be located 650 feet from and run parallel to the Channel, and will consist of a trestle pier, 2 loading platforms (one for each berth), 8 breasting dolphins, 11 mooring dolphins, and walkways between platforms and dolphins. Each of the two berths is approximately 1,300 feet long. Connection to and access from the landside GLC terminal to the wharf and loading platforms will be provided by an approximately 32-foot wide trestle pier that extends from shore approximately 665 feet to where it connects with the wharf. This access trestle is designed to accommodate a one-lane vehicular roadway with adjacent pedestrian access, piping for bulk liquids transfer, and mechanical and electrical support systems. The structural footprint over the water is approximately 139,127 square feet (sf) in area.

Construction of Dock 2 will entail the installation of 519 steel piles, consisting of 24-inch, 30-inch, and 48-inch diameter piles, as follows: Each loading platform will be constructed on sixty 30-inch diameter by 3/4-inch wall steel pipe piles (120 total piles). The trestle will be supported by pile bents with a total of 210 24-inch diameter by 5/8-inch wall steel pipe piles over 50 bents (210 total piles). A 50-foot wide abutment will support the landing of the trestle above the mean high water line. A 230-foot long retaining wall will be constructed on either side of the abutment to provide additional structural support. The typical mooring dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles, while shared mooring dolphins will be constructed on fifteen 48-inch diameter by one-inch wall steel pipe piles (105 total piles). The breasting dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles (72 total piles). Walkways between loading platforms, mooring dolphins, and breasting dolphins will be provided with four intermediate support systems; the foundation of each intermediate support will consist of three 24-inch diameter by 5/8-inch wall steel pipe piles (12 piles total).

– Demolition: Dock 2 will not involve demolition of any existing in-water structures, as no such structures have been identified.

5. Related Dockets. Docket No. D-2017-009-1, issued on December 13, 2017, approved the construction of the GLC’s marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). This Project consists of a second wharf (Dock 2), containing two deep-water ship berths, which will be located at Thompson’s Point, downriver (to the west) of Dock 1, at the location of a former barge pier. The former Dupont Repauno Works

industrial facility included an industrial process wastewater treatment system, approved by DRBC Docket No. D-1973-150-1 on February 26, 1975, which was transferred to the Chemours Company on June 26, 2015. DRBC Docket No. D-1965-075-1, issued on September 13, 1965, approved the construction of an underground cavern for the storage of anhydrous ammonia at the former Dupont Repauno Works. The industrial operations, wastewater treatment facility, and storage of anhydrous ammonia at the Repauno site have been discontinued. Dupont's successor in interest, Chemours, currently operates a groundwater remediation withdrawal and treatment system on-site for the remediation of DuPont's former industrial operations. By letter dated September 27, 2016, DRBC's executive director approved the transfer of Docket No. D-1965-075-1 to DRP and authorized use of the existing underground cavern for the storage of liquified petroleum gas (LPG). Potable water supply for the GLC is to be provided by groundwater wells owned and operated by Greenwich Township in accordance with DRBC Docket No. D-1994-051 CP-2, issued on July 20, 2005. Sewage generated at the site will be directed to the Greenwich Township WWTP, which was approved by DRBC Docket No. D-1990-024 CP on January 16, 1991.

6. Cost. The total cost of the Dock 2 Project is estimated to be \$94,600,000.

B. FINDINGS

The docket holder applied for approval of its GLC Dock 2 Delaware River dredging and deep-water berth construction project, which involves dredging 665,000 cy of material from the Delaware River to a depth of 43 feet below (-43) MLLW to accommodate a new, pile-supported wharf structure and two new deep-water ship berths.

1. Dredging Procedures

- Approximately 665,000 cy of sediment (primarily silt, with some fine sand and trace gravel) will be dredged from the Delaware River over a 45-acre area to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of overdraft. All sediments will be mechanically dredged using a closed clamshell environmental bucket. According to the docket holder's "Dredged Material Management Plan," dredging activities will follow these general procedures: Project Drawings will be prepared to define coordinates, dredging grades, and dredging depths for the dredge area.
- The vertical limits of the dredging will be established by achieving the required template depths. Each dredge will be equipped with real-time positioning and computer guidance, allowing the operator to know the location of the dredge and the bucket relative to the dredge cut.
- Hydrographic surveys will be conducted behind the dredges to monitor the finished cut and confirm that the dredges are digging to the permitted lines and grades of the Project Drawings.
 - o Dredging will utilize the best management practices (BMPs) set forth below to limit the potential for sediment resuspension and associated impacts on water quality and

- aquatic biota, using a closed clamshell environmental bucket to remove fine-grained sediments;
- controlling the rate of descent of the bucket to maximize the vertical cut it makes, while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e., not overfilling the bucket). The dredging contractor will use appropriate software and sensors to ensure consistent compliance with this condition;
 - using an environmental clamshell equipped with sensors to ensure complete closure of the bucket before it is lifted through the water at a rate of two feet per second or less;
 - controlling the “bite” of the bucket to: (a) minimize the total number of passes needed to dredge the required sediment volume and (b) minimize the loss of sediment due to extrusion through the bucket’s vents openings or hinge area;
 - placing material deliberately in the barge to prevent spillage of material overboard;
 - using barges or scows with solid hull construction or hulls sealed with concrete to transport sediments;
 - discharging decant water only within the dredging area;
 - holding decant water in the decant holding scow for a minimum of 24 hours after the last addition of water to the scow. This holding time may be reduced if it can be demonstrated that total suspended solids (TSS) meet the background concentrations of 30 parts per million based on three consecutive TSS analyses; and
 - not dragging the dredge bucket along the sediment surface.

Sediments may be amended as necessary so that they can be transported by truck in compliance with Department of Transportation regulations and landfill requirements (e.g., soils must pass paint filter tests to demonstrate the absence of free liquids). Contaminated sediments will be disposed of at a permitted landfill or approved brownfield site. Uncontaminated sediment meeting the applicable acceptance criteria will be transported via barge to the White's Basin permitted confined disposal facility (CDF) or Fort Mifflin CDF, or other approved location. The docket holder expects that the dredged material will be managed at one or more of the following locations for which preliminary acceptance approvals were provided by the docket holder:

- Fort Mifflin CDF, Philadelphia, Pennsylvania;
- White's Basin CDF, Logan Township, New Jersey;

The following other sites were also provided as potential disposal locations for which no preliminary acceptance approvals were provided:

- The former National Park Landfill, National Park, New Jersey; and/or
- Stags Leap Ranch Development (SLRD), Mullica Hill, New Jersey.

After selection of the receiving site, the need for amendment with Portland cement and the means of transportation (barge or truck) of the material will be determined.

The 665,000 cubic yards of dredged material to be removed from the berthing facility was sampled in accordance with an NJDEP approved Sediment Sampling and Analysis Plan (SSAP) dated December 24, 2018. The analytical results of the sediment sampling were submitted with the "Dredged Material Management Plan, DRP Gibbstown Logistics Center, - Dock 2 Gibbstown, NJ "(DMMP) dated March 2019. Special Condition 23. a. through d. included in the NJDEP Waterfront Development Permit is the Acceptable Use Determination for the 665,000 cy of material to be managed from this project. Special Condition 23. Specifies the following:

- a. Sixty days prior to the initiation of dredging as authorized in this permit, the permittee shall schedule an on-site meeting with the NJDEP and designated contractor (s) performing the dredging, processing and placement of the material to finalize the dredging schedule, disposal and beneficial use site options.
- b. Fort Mifflin CDF - Placement of the dredged material or processed dredged material from this project at the identified out-of-state placement sites is addressed in separate authorizations and approvals issued by the Pennsylvania Department of Environmental Protection and the owner/operator of the site.
- c. Whites Rehandling Basin — Placement of the dredged material from this project shall comply with the conditions specified in the Weeks Marine Waterfront Development Permit In-Water, Water Quality Certificate and Acceptable Use Determination (DEP File #0809-08-0010.1 LUP190001 and CDT180001)
- d. If the permittee proposes to place the dredged material from this project at a location different from that approved in this permit, written authorization in the form of a minor or major technical modification must be obtained from the Department prior to the transport of any dredged material to the alternative placement location.

In accordance with Condition C.1, the docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to an alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

2. Wharf/Berth Construction Procedures

As described above, the construction of Dock 2 will entail the installation of a total of 519 steel piles. The majority of the construction of Dock 2 will be performed using marine-based (in-water) equipment, including barge-mounted cranes, barge-based pile driving rigs, and waterborne material deliveries. The proposed landside structures, including a 50-foot wide

abutment and 230-foot long retaining wall) will be constructed using land-based equipment, with truck material deliveries. The steel piles are proposed to be installed by impact hammer driving through the river bottom strata (silts and sands) into the harder underlying weathered rock layer.

To protect water quality and aquatic life, measures to be employed for all construction activities shall include:

- use of in-place sediment control devices, turbidity curtains, booms, tarpaulins, floats, staging, and other devices as necessary to prevent materials from entering the water and leaving the immediate vicinity of the proposed construction;
- use of effluent discharge control to prevent entry into the Delaware River of any and all materials (e.g., oils, fluids, concrete, wash water, and other impurities) used on the construction site;
- minimal manipulation of piling, pile spuds, and other potential bottom disturbing activities; and
- deployment of a “bubble curtain” as needed during water-based pile driving activities.

The quality of Basin waters shall be maintained in a safe and satisfactory condition for wildlife, fish and other aquatic life. USACE is currently in consultation with the National Marine Fisheries Service (NMFS) concerning two threatened and endangered sturgeon species, and the critical habitat for the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*). NMFS has yet to render its biological opinion of the project, but it is a prerequisite to the USACE’s issuance of a permit for the project.

3. Permits

The following table (**TABLE B-1**) lists the application submittal dates and the status of the permits and approvals required for the Project, including the NJDEP Waterfront Development Individual Permit and Water Quality Certificate, the USACE Section 10/404 Individual Permit, and other local, state and federal permits:

TABLE B-1: Project Permits/Approvals

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
NJDEP Waterfront Development Individual Permit and Water Quality Certificate	3/1/2019	5/20/2019
NJDEP Tidelands License (Dredging)	3/1/2019	Pending
NJDEP Tidelands License (Fixed Structure)	3/1/2019	Pending
USACE Jurisdictional Determination	2/18/16	7/5/16
USACE Section 10/404 Individual Permit	3/1/2019	Pending
Gloucester County Site Plan Approval	Pending	Pending
Greenwich Township Site Plan Approval	Pending	Pending

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
Gloucester County Soil Conservation District Plan Certification	Pending	Pending

C. DECISION

Effective on the approval date for Docket No. D-2017-009-2 below, the Project and facilities described in Section A “DESCRIPTION” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to the alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

Other Conditions

2. To minimize impacts to migration and spawning of anadromous fish, any and all in-water work or sediment generating disturbances are prohibited during the period commencing on March 15 and continuing through June 30 of each year.
3. Sound practices of excavation, backfill and re-seeding shall be followed to minimize erosion and deposition of sediment in streams.
4. Within 10 days of the date that construction of the Project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.
5. Upon completion of construction of the approved Project, the docket holder shall submit a statement to the DRBC, signed by the docket holder's engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved Project and the date the Project is placed into operation.
6. Dredging and dredge spoil management shall be conducted in accordance with the practices described in Section B.1 of this docket, and wharf/berth construction shall be performed in accordance with the practices described in Section B.2. If in the view of the Executive Director of the DRBC the dredging, dredge spoil management, and/or wharf/berth construction operations are at any time being conducted in a manner contrary to that described in Sections B.1. and 2. of this approval, or such that these operations are otherwise adversely affecting water quality or impeding the passage of anadromous fish, the Executive Director may

direct that these operations be suspended, and the docket holder may be subject to enforcement action.

7. Construction and operation of the facility shall be operated at all times to comply with the requirements of this docket approval and the Commission's WQR.

8. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

9. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

10. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (*see* 18 CFR 401.43).

11. This approval is transferable by request to the DRBC Executive Director, provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and accompanied by the appropriate fee (*see* 18 CFR 401.43).

12. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (*see* 18 CFR 401.43).

13. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

14. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

**BY THE COMMISSION
APPROVAL DATE:**

ATTACHMENT C

**Commenters on Docket D-2017-009-2
Public Hearing of June 6, 2019, West Trenton, New Jersey**

1.	Tracy Carluccio	Deputy Director, Delaware Riverkeeper Network
2.	Doug O'Malley	Director, Environment New Jersey
3.	Matt Smith	Food & Water Watch
4.	Taylor MacFarland	NJ Sierra Club
5.	Jean Marie Donahue	Asst. Director, Water Spirit
6.	Jocelyn Sawyer	Food & Water Watch
7.	Erik Benson	Clean Water Action
8.	Paula Rogovin	Coalition to Ban Unsafe Oil Trains
9.	Carol Gay	President, NJ State Industrial Union Council
10.	Rupika Ketu	NJ Clean Air Council
11.	Margo Pellegrino	Resident, Southern New Jersey
12.	Kim Robinson	Resident, Hopewell Township, NJ
13.	Peter Winslow	Smart Collaboration, Clean Air Council
14.	Norman Torkelson	Delaware River Greenway Partnership (Manager, Lower Delaware Wild & Scenic Partnership River)
15.	Jeff Tittle	Director, Sierra Club NJ Chapter
16.	Joanne Pannone	Resident, Robbinsville Township, NJ

ATTACHMENT D

WRITTEN COMMENTERS - Docket D-2017-009-2

1	A Smart Collaboration
2	Ad Koch
3	Albert Coffman
4	Alessia Eramo
5	Alison Arne
6	Annette Ballard
7	As Er
8	Barbara Vanhorn
9	Barbara White
10	Bernard Greeberg
11	Bernard Greenberg
12	Bill Reitter
13	Bryce Payne
14	Carl Oerke Hr
15	Catharine Gammon
16	Chamber of Commerce Southern New Jersey
17	Charles Ellis
18	Cheryl Dzuak
19	Cheryl Whittaker
20	Chris Lewis
21	Christine Razler
22	Claudia Crane
23	County of Gloucester
24	Craig Conn
25	Dan Adair
26	Daniel Safer
27	David Morgan
28	Delaware Riverkeeper Network

WRITTEN COMMENTERS - Docket D-2017-009-2

29	Delaware Riverkeeper Network
30	Don Hawkins
31	Don Robinson
32	Doris Dick
33	Doug O'Malley
34	Ed Grystar
35	Ellen Wert
36	Frank Evelhoch II
37	Frank Ketcham
38	Gloria Czapnik
39	Greg Navarro
40	Herbert Elwell
41	Howell Bosbyshell
42	IBEW Local Union 351
43	Ira Josephs
44	Jamie Zaccaria
45	Janet Cavallo
46	Janet Rafferty
47	Jeanne Held-Warmkessel
48	Jeff Eidman
49	Jeffrey Rockwell
50	Jennifer Clark
51	Jessica DePete
52	JM Lavassaur
53	Joann Eckstut
54	Jon Nadle
55	Jonathan Berger
56	Judy Fairless

WRITTEN COMMENTERS - Docket D-2017-009-2

57	Judy Scriptunas
58	Katharine Dodge
59	Ken Dolsky
60	Kenneth Cangin
61	Larry Seymour
62	Linda Maule
63	Linda Zawrotniak
64	Lisa Hallowell
65	Lise Bauman
66	Louis Kyle
67	Margo Pellegrino
68	Marian Shearer
69	Maritime Exchange for the Delaware River and Bay
70	Mary Ann Leitch
71	Matt Gove
72	Matt Walker
73	Michael DeLozier
74	Michael Drake
75	Mike Albar
76	Neil Beresin
77	New Jersey Sierra Club
78	Nick Breinich
79	Pam Steckler
80	Pamela McAllister
81	patricia Danzon
82	Paul Palla
83	Paula Lynn
84	Peter Mayes

WRITTEN COMMENTERS - Docket D-2017-009-2

85	Phyllis Davidson
86	Richard Sweeney
87	Robert Damminger
88	Robert Limouze
89	Roberta Camp
90	Robin Freisem
91	Roger Desy
92	Ronald Gulla
93	Rosie Mae Henson
94	Russell Zerbo
95	Sandra A. Foehl
96	Sandra Folzer
97	Sara Tompkins
98	Sarah Thornton
99	Sharon and Park Furlong
100	Sharon Newman
101	Shirley Bensetler
102	Shoshana Osofsky
103	Steven Denisevicz
104	Steven Sears
105	Susan Babbitt
106	Susan Boland
107	Susan Gottfried
108	Susanne Hewitt
109	Suzan Preiksat
110	The Pilots' Association for the Bay & River Delaware
111	Tom Brown
112	Tom Harris

WRITTEN COMMENTERS - Docket D-2017-009-2

113	Tre Heptig
114	United Brotherhood of Carpenters and Joiners of America
115	Valeri Fornagiel
116	Wesley Merkle
117	Will Fraser
118	William Montgomery
119	William Spadel

A SMART Collaboration

Although the application by Delaware River Partners is for berths and dredging for the DRP Gibbstown Logistics center, the context for the project involves plans for New Fortress Energy to export LNG. The responsibility of the DRBC to be open and honest in its dealings with the public requires disclosure of such information for matters on its docket. Furthermore, in the interest of building and maintaining trust between the DRBC and the public, the DRBC should avoid the appearance of being complicit in the obfuscation of information relevant to the understanding of issues under its consideration.

If the DRBC has failed to investigate, turned a blind eye, or intentionally withheld information, you should apologize and correct this situation. If New Fortress and/or DRP has put you in this situation, such failure of omission should be prejudicial to the DRP application.

Ad Koch

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Albert Coffman

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Thank you for your consideration.

Alessia Eramo

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Thank you for your consideration.

Alison Arne

No dredging or new docks!

Annette Ballard

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Thank you for your consideration.

As Er

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Thank you for your consideration."

Thank you for working toward a cleaner environment.

Sincerely,
As Er

barbara vanhorn

Say no to any and all facilitation for LNG on the Delaware River!

Barbara White

DRBC should deny this project due to Delaware River Partners failing to disclose important information. They are not a good partner in this process and cannot be trusted with community safety.

Bernard Greenberg

Permitting a LNG cooling facility on the Delaware River makes no sense. We must do all we can to fight global warming which LNG will contribute to. We must maintain the immense value of the Delaware River and not allow unnecessary projects interfere.

Bill Reitter

The Delaware River Partners, LLC, new dredging project at the DRP Gibbstown Logistics Center is totally unneeded and will cause tremendous pollution in the river and surrounding areas. This is just the first stage in a gigantic project that will involve the transport, storage and processing of dangerous chemicals and explosive materials. I am against anything this damaging to the environment of "The Garden State". This is not the "Garbage State"! This project would eventually cause serious health problems based on previous experience with this type of project. Much more information is needed on the purpose and uses intended for the dock/wharf and deep water berths. We already have enough pollution in South Jersey, home to some of the purest aquifers in the Eastern US. We want to keep our drinking water, food and air clean and safe. No amount of money, profit or industry is worth sacrificing our health and safety!

Bryce Payne

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Thank you for your consideration.

Carl Oerke Hr

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Thank you for your consideration.

Catherine Gammon

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It is time to turn this around. We cannot as a nation or as a state or a region continue to depend for our security and economic well-being on these life-destroying fossil-fuel-extraction-based technologies.

Thank you for your consideration.

Chamber of Commerce Southern New Jersey

Please see attached letter submitted by the Chamber of Commerce Southern New Jersey.



Debra P. DiLorenzo
President & CEO

June 6, 2019

Delaware River Basin Commission
25 Cosey Road
P.O. Box 7360
West Trenton, NJ 08628-0360

Dear Commissioners and Members of the Delaware River Basin Commission:

On behalf of the Chamber of Commerce Southern New Jersey (CCSNJ), I am writing in support of DOCKET NO. D-2017-0009-2 of the Delaware River Basin Commission regarding Delaware River Partners LLC, Gibbstown Logistics Center Dock 2.

The CCSNJ is the region's largest, most active, and influential business organization that regularly stands in support of projects that will spur economic development in a responsible and appropriate manner. The project set forth by Delaware River Partners (DRP) is one of them.

DRP is seeking to utilize approximately 1,600 acres along the Delaware River in Gibbstown, one of the most active maritime markets in the nation, to redevelop a multi-use facility for bulk cargo and energy projects. The location along the river, with access to rail and a major interstate highway system, make this property ideal for the development being proposed at the site.

In addition to the significant financial investment being made to redevelop this site, the project is employing hundreds of workers, most of whom are from the South Jersey region and members of the local building trades groups.

The DRP project is the perfect combination of economic development and job creation that the South Jersey region needs to prosper. We respectfully ask that the Delaware River Basin Commission approve the application before them.

Thank you for the opportunity to weigh in on this important project to the region.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra P. DiLorenzo".

Charles Ellis

Do not allow New Jersey's environment to be threatened by this project.

Cheryl Dzubak

Please deny the hazardous LNG export terminal until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRB to advance this project without proper approvals from federal agencies. Thank you for your consideration of this important and serious matter.

Cheryl Whittaker

Mistakes and accidents ALWAYS happen! It is for that reason that DRBC should deny this project because Delaware River Partners LLC failed to disclose critical information regarding the handling and exporting of LNG to the public and in its permit applications.

chris lewis

river

Christine Razler

I am petitioning against the dredging of the Delaware River. It will stir up toxic sediment that is harmful to both people and marine and wildlife, as well as create sonic pollution.

Claudia Crane

The point of this new terminal is to export LNG--A WRONG COURSE. ANYTHING that expands the use of natural gas or other fossil fuels is really bad for the world's future. THE CLIMATE IS CHANGING, DON'T YOU GET IT! IF WE ARE TO HAVE ANY HOPE, WE MUST SWITCH RAPIDLY TO RENEWABLE ENERGY. AND WE CAN ALSO LIVE WITHOUT THE PLASTIC PRODUCTS MADE FROM LNG.

craig conn

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration."

Thank you for working toward a cleaner environment.

Sincerely,
Craig c. Conn

Dan Adair

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Thank you for your consideration.
Dan Adair

Daniel Safer

New infrastructure for liquefying and exporting natural gas presents multiple hazards, ranging from fire or explosions at the pumping station and along the pipeline, to increased greenhouse gas emissions both from combustion and from methane leakage, to the environmental damage caused by pipeline construction. Increased gas production will require the disposal of increasing amounts of fracking fluids and increased pollution of ground and water.

David Morgan

Please make a careful environmental study first to protect citizens from hazards of this project.

Don Hawkins

Please stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Don Robinson

I am strongly opposed to the Delaware River Partners, LLC, application: D-2017-009-2 for dredging at DRP Gibbstown Logistics Center in Gloucester County, NJ. This project also includes an additional dock or wharf containing 2 deep water berths for ships to load liquified natural gas (LNG) for export.

This applications should be denied for national security and environmental reasons:

- * Domestic energy resources, especially those fossil fuels such as LNG that have a lower carbon footprint than coal, should not be exported but retained for future use as part of maintaining a secure domestic energy capability of the USA while transitioning to a robust domestic renewable energy capability.
- * While better than coal, the exporting of LNG, which carries a carbon footprint, contributes to the corporate profits of the fossil fuel industry but undermines climate stability for the American public - locally, regionally and nationally through global warming. This increasing instability of our climate directly and negative impacts our agriculture, infrastructure and environment, creating large-scale destruction that results in substantial economic damage as indicated by recent events in the Midwest and the West.
- * The negative world-wide impact of global warming produces a more threatening national security situation, especially in those countries with large populations, limited arable land and nuclear weapons, as food supplies become compromised and food production becomes unreliable.

For these three compelling reasons I urge you to decline the application.

Doris Dick

I am a NJ native currently living in Pittsburgh. I still am in awe of the gap every time I come home. I camped and hiked there as a child.

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Sincerely,

Doug O'Malley

Environment New Jersey, on our behalf of our more than 20,000 dues-paying citizen members, fully opposes the proposed docket application for Delaware River Partners LLC. We outlined our concerns succinctly during the public comment period during the public hearing on Thursday, June 6, 2019 and we fully support the submitted comments by the Delaware Riverkeeper Network, which are attached here. This proposal is much more than a dock and dredging, but it's a Trojan LNG Horse to build a massive LNG export facility on the banks of the Delaware River. We urge DRBC not including this project on their June 12 docket for consideration and remand out the project for at least a 60 day public comment period. This project demands more public scrutiny, not a rushed public review process that only breeds cynicism in governmental agencies.



June 7, 2019

Delaware River Basin Commission
West Trenton, New Jersey

Re: DOCKET NO. D-2017-009-2 , DELAWARE RIVER BASIN COMMISSION , Delaware River Partners LLC, Gibbstown Logistics Center, Dock 2 , Greenwich Township, Gloucester County, New Jersey

Delaware Riverkeeper Network (DRN) submits this comment in opposition to the approval of Docket D-2017-009-2 on behalf of our approximately 20,000 members throughout the Delaware River Watershed including residents in the closest Gloucester County communities. The Delaware Riverkeeper Network (DRN) is a private non-profit membership organization, championing the rights of our communities to a Delaware River and tributary streams that are free flowing, clean, healthy, and abundant with a diversity of life.

DRN submits that, based on review of the materials submitted to Delaware River Basin Commission (DRBC) by the applicant, this project will have substantial negative impacts on the Delaware River, its water quality, its habitats, and the species that live, forage, shelter, migrate through and reproduce in the River, Estuary and Bay. DRN also submits that the application is substantially lacking in critical information for and assessment of described and yet-to-be described or assessed aspects of the proposed project. DRN requests that Docket approval be denied or, in the alternative, the Docket be withdrawn and specific reviews and analyses are conducted before further consideration of the project.

DRN points out that we commented on the last docket proposed and approved by DRBC in November 2017 for the Gibbstown Logistics Center (D-2017-009-1). Concerns we expressed about the incompleteness of the application materials, unfortunately, remain. We point out DRBC did not heed these concerns in 2017 and since it appears now that New Fortress Energy may have been planning LNG export from this site at that time but did not disclose that information, our concerns were well-founded and should have led to DRBC insisting that the missing information be provided before the first docket was approved. If that had been done, the public and the agencies may have learned of the planned export of LNG from the Center and a comprehensive analysis of the project would have been required.

As stated by DRN in our comment letter dated November 17, 2017:

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

DRBC states its draft Docket is to approve dredging and the construction of a deepwater berth for the proposed Delaware River Partners (DRP) Gibbstown Logistics Center (“the Proposed Project”). However, the current draft docket, despite claiming to approve only the dredging and deep-water berth construction project, approves stormwater outfalls and land disturbances. Furthermore, the docket states that DRP “...is required to submit detailed site plans to the DRBC for the remainder of the Logistics Center, including the proposed: Automobile import area/parking lot; processing facilities; perishables, bulk-liquids and gases, and bulk cargo handling areas; warehouses and associated buildings; stormwater management system (including stormwater outfalls); and the associated infrastructure”.¹

Based on this lack of essential information, until all plans are completed, submitted to and assessed by DRBC, the draft docket for the Proposed Project should be put on hold. It is unreasonable to move ahead with an application that is so obviously incomplete and lacking in adequate assessment and review. It is impossible to accurately assess the potential impacts on the water resources of the Basin with the information made available for only a portion of the Proposed Project.

We point out that the condition (C.I.(c)) of the 2017 DRBC Docket, which requires the missing information to be provided, seems not to have been met by Delaware River Partners because in subsequent file reviews conducted by DRN through FOIA, we have not seen any written material in the files disclosing the plans of the applicant to include LNG as a cargo. This is despite repeated public statements by New Fortress Energy that LNG would be processed from Marcellus Shale gas in Bradford County, Pennsylvania, trucked to the Delaware River and exported out of the country through the Delaware River ports. The U.S. Army Corps of Engineers (ACE) Public Notice of April 4, 2019, listed various cargo to be transloaded at the Gibbstown Logistics Center. Included in the list was liquefied natural gas (LNG) and yet this was not added to this new draft docket for Dock 2. Obviously, the follow up information – site plans for handling of all cargo - that was to be provided by the applicant was either not supplied to DRBC or DRBC decided not to include LNG in the list of cargo published in the new draft docket. Either way, the public was deprived of this information and the missing information regarding the products to be handled at the Center, makes the application deficient based on incompleteness.

DRN points out that the exclusion of LNG from the cargo list is additionally important because of the dangers of handling and transloading LNG. LNG is arguably the most consequential and dangerous product to be handled at the Center, making it a glaring omission. We are including information regarding the potential impacts of LNG release and the special circumstances LNG requires at the end of this comment.

The additional dredging and deep-water berth construction project, named Dock 2, poses several unacceptable environmental hazards and potential pollution sources for the Delaware River and the region.

Environmental Impacts of the Proposed Activities Contained in the Draft Docket

Dredging: The dredging of 665,000 cubic yards of sediment form the Delaware River to provide a channel to the Federal Navigation Chanel would go to a depth of 43 feet below mean water lower low water over a 45-acre area. Allowed is a two-foot overdraft. This almost doubles the amount of material that will be dredged for the entire Gibbstown Logistics Center project, increasing greatly the adverse environmental

¹ Docket No. D-2017-009-1, p. 3.

footprint of the dredging from the originally proposed Dock 1. The sediment to be dredged is silt, fine sand, and trace gravel, according to the draft docket. DRN is very concerned about the impacts of the dredging on water quality, fish, and aquatic life. We do not agree that the prevention measures included in the draft docket for controlling the sediment will provide adequate protection to species in the area of the Center.

The Delaware Riverkeeper Network has commented in the past on the significant environmental impacts that dredging causes in this section of the Delaware River. First, deepening 45 acres of river area to a depth of -40 feet mean lower low water with a 2-foot overdraft will open this newly deepened area to the potential for an increased risk of harm if there is a catastrophic spill event. With a deepened area, ships will access the proposed deepwater port and, when filled for export will be heavily laden with LNG, natural gas liquids or other chemicals. Using the catastrophic experience of the Athos I oil spill of November 26, 2004, the volume of carried material available to leak and wreak havoc on the environment and our communities will be greater and therefore more dangerous with the added capacity of the proposed port's dredging of 45 acres.²

The Athos I catastrophe exposed 115 miles of River, 280 miles of shoreline, 16,500 birds, as well as many species of fish, shellfish, and wildlife and a variety of important habitats to the heavy crude it dumped into the Delaware River.² Habitats, wildlife, water quality, air quality, industry, recreation, and communities were all significantly harmed by the spill. Any project that will increase the magnitude of such a tremendous level of damages in the event of a future catastrophe is a danger to all of these natural and human resources.

Adding LNG transport to the dangers of shipping on the river exponentially increases the potential for a far-reaching catastrophe. Considering that the zone of blast around a container release and/or fire is at least one mile and could be miles larger depending on how quickly the gas cloud created by the vaporizing LNG spreads, communities along the river, including metropolitan areas such as Philadelphia, Camden, Chester and other high density population centers), passing ships, bridges, facilities such as airports (the Gibbstown Logistics Center is across the river from the Philadelphia Airport), motor vehicle traffic and workers would all be exposed to potential life-threatening injury if an LNG marine vessel were to have an accident and release LNG. There is no discussion in the Docket about the shipping dangers that the dredging would enable. This is one reason why a comprehensive environmental analysis of this LNG project is required.

Dredge spoils significantly increase the amount of heavy metals and toxins that would be released into waterways and the environment², especially with the amount of material that appears to be contaminated at this site. The impacts of the spoil disposal plans and potential pollution impacts could have significant community and environmental effects. The threat posed by dredged spoils is known to be a source of water pollution after on-land disposal.² In addition to polluting the water and land, there are likely to be air quality impacts including NOx emissions associated with the construction and associated traffic from this additional dock and dredging project that should be considered as well. Yet there is no analysis of air pollution in the draft docket.

Atlantic sturgeon will be directly negatively impacted by the development and operation of this site. The draft docket states that the revised wharf design is under review currently by USACE in consultation with

² Delaware Riverkeeper Network (2011). Comment Re: 2011 Draft EA for Delaware River Main Channel Deepening Project Philadelphia. Submitted to U.S. Army Corps of Engineers on July 6, 2011.

NMFS regarding two threatened and endangered sturgeon species, and the critical habitat for the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*). However, the docket fails to acknowledge that the federal government established the Delaware Estuary as Critical Habitat for the New York Bight DPS of Atlantic Sturgeon in August 2017. DRBC's Water Quality Regulations at §4.30.5-B.1 acknowledge that the Commission must evaluate Critical Habitat, and that this evaluation must follow its Rules of Practice and Procedure. Despite the federal ruling, DRBC has yet to initiate its procedures for verifying the Critical Habitat established by the federal government, and the role that Critical Habitat will play in docket decisions. DRBC should not approve any project that could directly and indirectly affect this Critical Habitat until it has completed all necessary procedures in the Critical Habitat evaluation. To do so would be premature, would undermine the required process for DRBC review and approvals, would be unfair in terms of just application of its regulations, and jeopardizes the Critical Habitat of the Atlantic Sturgeon. The DRBC is not ready to grant approval to any project that involves the Critical Habitat of the Delaware Estuary for the New York Bight DPS of Atlantic Sturgeon.

Both direct take and incidental take of sturgeon are a distinct possibility with a project of this nature. Both the Atlantic sturgeon and shortnose sturgeon are threatened and adversely affected by dredging and effects to water quality including dissolved oxygen (DO) levels, water temperature, and contaminants.² The proposed project will entail significant levels of dredging as well as significant water quality effects and dramatic changes in important habitats including juvenile habitat and spawning grounds.

The dredging of river systems significantly impacts aquatic ecosystems in a number of ways that will harm both sturgeon species. Among the effects that the project will have on the Delaware River populations of both sturgeon species are:

- ✓ Deep-draft vessel traffic in the Delaware River has been cited as the biggest threat to the survival of the Delaware River population Atlantic sturgeon; the increased vessel traffic and increased area for deep-draft vessels to strike Atlantic sturgeon directly resulting from this project will significantly increase sturgeon vessel strikes and could accelerate the extinction of this endangered species population.³
- ✓ Dredging activities remove, disturb, dispose of and re-suspend river sediments, modifying the river bottom substrate and impacting the community of benthic macrofauna;
- ✓ Dredging operations can remove or bury organisms and destroy benthic feeding areas;
- ✓ Dredging operations can create noise and disturbance, and can disrupt spawning migrations;
- ✓ Dredging activities can re-suspend contaminants, affect turbidity and siltation, and deposit fine sediments in spawning habitats; and
- ✓ Dredging activities alter the hydrodynamic regime, alter physical habitats, and create the loss of riparian habitat.²

The act of dredging can entrain sturgeon, taking them up into the dredge drag-arms and impeller pumps and resulting in death.² New data from tagged Atlantic sturgeon continue to show their presence in or near the main navigation channel, making them vulnerable to direct take by dredging operations, as well as direct take from the larger vessels that will be using the channel.² These lethal takes are significant for a species

³ Brown and Murphy. 2010. Atlantic Sturgeon Vessel-Strike Mortalities in the Delaware Estuary. *Fisheries* 35(2): 72-83.

that is at such low levels (fewer than 300, maybe even fewer than 100), and as genetically unique as the Atlantic sturgeon of the Delaware River are.²

Dredging in the portions of the River near Philadelphia is likely to be detrimental to the successful spawning of sturgeon in the Delaware – not just because of the act of dredging but also because of the degradation of spawning habitat.² Dredging increases the level of suspended sediments and contaminants in the water. An increase in suspended sediments could be detrimental to egg survival of sturgeon – increasing the probability that eggs adhere to suspended solids and suffocate.² Increasing contaminant loads can alter growth and reproductive performance in sturgeon.²

Dredging is a factor in the destruction, modification, or curtailment of the Atlantic sturgeon’s habitat and range.² The environmental impacts of dredging include direct removal or burial of organisms, elevated turbidity or siltation, contaminant re-suspension, noise or disturbance, alterations to hydrodynamic regime and physical habitat, and loss of riparian habitat.² Furthermore, an increase in vessel traffic on the Delaware River resulting from the project would increase the likelihood of vessel strikes to sturgeon.²

A study of mortality rates on Atlantic sturgeon in the Delaware River between 2005 and 2008 found that 50% of the mortalities were the result of vessel strikes. The remaining 50% were too decomposed to determine if they were caused by vessel strikes but it is likely most were.² For small remnant populations of Atlantic sturgeon, such as that in the Delaware River, the loss of just a few individuals per year due to anthropogenic sources of mortality, such as vessel strikes, may continue to hamper restoration efforts.² According to a 2010 research article on vessel strikes, “Both the dredging to deepen the channel and the subsequent increase in large vessel traffic may further hamper the recovery of the Delaware River Atlantic sturgeon population.”² Of critical importance, this study is concerned about the size of the vessels resulting from deepening as opposed to any increase in the volume of vessels. The larger size of the vessels from the deepened channel will likely increase the number of vessel strikes for both sturgeon species.²

The continued dredging of new deep-water areas will further impact Atlantic sturgeon spawning by accelerating the intrusion of brackish water into the hard-bottom spawning grounds, and thus forcing Atlantic sturgeon to spawn further upstream in the zone of depressed dissolved oxygen. This shift then exposes the eggs and larvae of newly spawned Atlantic sturgeon to low oxygen conditions from which they may not survive. This “squeeze” between increased salt intrusion in the estuary downstream (exacerbated by channel deepening, new deep-dredged berthing areas, and rising sea levels) and the near-lethal dissolved oxygen levels upstream limits the ability of Atlantic sturgeon to successfully reproduce, and increases the likelihood of extinction. This project makes a significant contribution to such salt-intrusion by adding 45 acres of new deep-water channel and berthing to an estuary under siege.⁴

The remobilization (and dewatering of dredged sediments) will create higher exposure to PCBs and other contaminants, and the Atlantic Sturgeon spawning and rearing that begins in June and extends the early-life stages through July and August, with increasing evidence for high aggregations of young-of-year in the Proposed Project vicinity, means that elevated exposure will occur for larval and juvenile stages of this endangered species in the Delaware River. The currently proposed methods and timing are insufficient to

⁴ Moberg and DeLucia. 2016. Potential Impacts of Dissolved Oxygen, Salinity and Flow on the Successful Recruitment of Atlantic Sturgeon in the Delaware River. The Nature Conservancy. Harrisburg, PA. 69 pp.

protect this endangered species, and more evidence and analysis would be required in order to claim that the project does not impair NOAA Trust Resources, fish and wildlife, and the water resources of the Basin.

In November of 2010, researchers discovered beds of freshwater mussels in the Delaware River between Chester, PA and Trenton, NJ.² The species found included the alewife floater (*Anodonta implicata*) and the tidewater mucket (*Leptodea ochracea*), only found in New Jersey in the tidal Delaware River; the pond mussel (*Ligumia nasuta*) and the yellow lampmussel (*Lampsilis cariosa*), both considered critically-imperiled; and the creeper (*Strophitus undulatus*) and the eastern floater (*Pyganodon cataracta*) both considered vulnerable; as well as the eastern elliptio (*Elliptio complanata*), the only mussel known to be native to our Delaware River that is not considered to be in jeopardy.² Mussels are not mentioned in the application or in the applicant's Compliance Statement. Particularly because some of these estuarine species are state-listed and/or critically imperiled, the extent and composition of these mussel beds needs to be accurately surveyed prior to any in-water work at the site. Once the locations, abundance, and identify of these species are documented, a relocation plan would be needed to move individual mussels out of areas where direct mortality might occur.

Freshwater mussels can live 80 to 100 years old, and most species do not begin reproducing until they are 8 to 10 years old.² Because they are so slow growing and don't begin to reproduce until this older age, they are not able to quickly recover from disturbances and the population cannot recover quickly from impacts that result in death to individuals.² Freshwater mussels require a fish host, a specific species depending on the mussel, to complete their life cycle. Activities that damage the needed fish hosts in turn do direct harm to the freshwater mussel species they help serve in the life cycle.²

Mussels are vital for filtering pollution and filling important habitat niches. Experts believe that revitalizing freshwater mussels in the Delaware River could improve water quality downstream and thereby benefit estuarine species.² All of the freshwater mussels in the Delaware River system, except for one (the Eastern elliptio, *Elliptio complanata*), are identified by one or more of the states as endangered, threatened, imperiled, vulnerable, critically impaired, very rare, extremely rare or extirpated.²

Freshwater mussels are very sensitive to water quality. Exposure to contaminants either directly via dissolved compounds or contaminants that are particle-mediated can have adverse consequences.² Freshwater mussels are highly exposed to changes in water quality because of their filtering activities and the passage of large volumes of water across many thin tissue layers. Dissolved toxins, such as heavy metals, are rapidly taken up by direct absorption and indirectly via food.² Because this project will likely result in pollution both directly and through contaminants from spoil disposal, the implications of this pollution for the mussels in this area must be examined.

Stressed mussels require more oxygen. The dredging described for this project is a threat to any submerged aquatic vegetation in the area that is critical for providing oxygen in the Estuary, including the Philadelphia reach of the River, which includes the location of the proposed project. Although dissolved oxygen levels can become excessively low in this area even today, they have improved significantly compared to decades past. In fact, the DRBC is considering elevating their "Aquatic Life Designated Use" rule in this section of the Delaware River to maintain and protect dissolved oxygen levels.⁵ Increased sedimentation from

⁵ Delaware River Basin Commission (2017) Draft Resolution, February 23, 2017. Retrieved from http://www.nj.gov/drbc/library/documents/Res_EstuaryAquaticLifeUses_draft022317.pdf

dredging activity inhibits mussels and their host fish species from taking in oxygen.² Additionally, invasive or exotic species resulting from interbasin transfers of water can be a very direct threat to freshwater mussels as well as many other species. Increased ballast water from deeper ships, and increased ship traffic, brought up the River by a deeper channel could heighten this risk.² The issue of invasive and exotic species and ballast water and their ecological and economic implications for freshwater mussels and other River fish and wildlife species must also be considered.

Identification of host fish needed for freshwater mussels is one of the least studied aspects of freshwater mussel life history. American eel are known to be hosts for *Elliptio complanata*; some believe they are in fact the preferred host.² Some species of trout and yellow perch too can serve as hosts and data shows that some of the species found in the tidal estuary, *Strophitus undulatus*, can use pumpkinseed and yellow perch.² Shad too are considered by some as possible host species.² The potential impacts to these host species are additional factors to consider when assessing the threats to mussels.

There is evidence that the acoustic impacts from construction activities, such as those described for this project, can significantly harm fish.⁶ The effects of underwater sounds created by pile driving on fish may range from a brief acoustic annoyance to instantaneous lethal injury depending on many factors.⁵ Even at non-lethal levels, low levels of acoustic damage may result in the fish not being able to swim normally, detect predators, stay oriented relative to other fish in the school, or feed or breed successfully.⁵ This is a potential threat to all fish, including both sturgeon species as well as all the fish that serve as host species to mussels.

There are bald eagle (*Haliaeetus leucocephalus*) nests and osprey (*Pandion haliaetus*) nests near or within the project site.⁷ Even with the best mitigation plan in place, there would inevitably be some level of disturbance to these nests versus the no-action alternative, which would leave the nests as they currently are. The nests are not even mentioned in the public notice and this is an issue that the public should be aware of. While formerly a highly-degraded site when DuPont owned and operated the property, the wetland and upland portions of the site have reverted to a natural state with a diverse ecosystem suitable as nesting habitat for these two imperiled bird species. Any disturbances or alterations to these nesting areas could be detrimental to the breeding success of these birds and therefore the future viability of their populations in this area.

The additional deepened 45 acres of river area that would provide access to the proposed deepwater port Dock 2 would result in larger and deeper draft vessels coming up the River. The draft docket states ocean-going vessels up to 966 feet long with a draft of 39.7 feet will be accommodated at the two deep after berths. This triples the amount of vessel traffic that was originally planned for the facility. This additional traffic being layered on to the facility is not being analyzed in the draft docket in terms of the amount of truck traffic, parking areas, turning radius areas and other related knock-on logistical needs that are available on this site, which had some non-specified areas but without an analysis showing that the additional traffic can be handled at the Center, it is unknown if the site is too small for this additional vessel

⁶ Delaware Riverkeeper Network (2011). Supplemental Comment Re: 2011 Draft EA for Delaware River Main Channel Deepening Project Philadelphia. Submitted to U.S. Army Corps of Engineers on July 6, 2011.

⁷ Ramboll Environ (2016). Compliance Statement in Support of Multiple Individual Permit Applications. Appendix E, Habitat Impact Assessment Report, July 2016.

traffic. The additional ship traffic and the specific types of ships required for LNG and NGL overseas transport will significantly increase. There is no discussion of this in the draft docket.

Additionally, the additional emissions of the truck traffic, impacts of rail traffic, and other related environmental impacts are not discussed in the docket, nor is any additional stormwater runoff (in terms of quantity and also quality due to the additional traffic and additional types of cargo, including LNG) and other related infrastructure need to handle and service the new shipping traffic. The transloading area needs to also be analyzed to be certain the additional cargo that will be transloaded, especially if it is hazardous material such as NGL or LNG or other bulk liquids that possess toxic properties can be safely handled with adequate environmental protections and that stormwater produced will not pollute receiving waterways?

Again, this is an example of partial review of the proposed Dock 2 that represents segmentation of the project since DRBC had included stormwater outfalls and systems on land in the 2017 docket but does not here address that infrastructure that now may need to be changed due to the additional activities Dock 2 will enable. When will these aspects of the expanded project be assessed and will DRBC consider these aspects as they have in the last docket? How can DRBC conclude that water resources will not be adversely impacted without this analysis? Furthermore, if LNG is the cargo that is being added with Dock 2, or is among the cargo being added, what special considerations and conditions will be required to assure the handling and transloading of the LNG can be safely accomplished? This is not discussed in the draft docket.

Another question that must be answered is whether simultaneous handling of LNG and other cargoes, including dangerous NGLs, can be done safely. If the transloading to the ship from truck or railcar is considered similar to “truck to ship bunkering” when assessed by the U.S. Coast Guard, there are Coast Guard regulations that apply to these activities when there are SIMOPS or “simultaneous operations” planned in the same vicinity. The usual procedure is for a Policy Letter to be issued by the Coast Guard after the specific logistics are evaluated.⁸ Similar to SIMOPS considerations, it is additionally important to evaluate the activities and storage planned for export of other products such as NGL from the terminal for compatibility with LNG activities. An informed decision needs to be made about timing, location, and proximity to the LNG facilities and activities. It may be that other activities planned for the terminal cannot occur at the same site that is handling LNG. This issue must be resolved prior to any further permitting for the Gibbstown Logistics Center facility.

More shipping vessels mean more ballast water needs, discharges, and impacts. Impingement and entrainment of the variety of species discussed in this comment and beyond due to the intake and discharge of ballast water could be significant. The increased intake of ballast water from the River as a result of the commercial vessels coming into the River due to this project would entrain early life stages of commercially and recreationally important fish including American shad, alewife, blueback herring and striped bass.² The cumulative effects of this impingement and entrainment need to be considered in conjunction with the impingement and entrainment that already occurs at existing cooling water intakes operating in the Delaware Estuary and River, including the nearby Paulsboro and West Deptford Township facilities.

⁸ CG-OES Policy Letter, No.01-17, JUN - 8 2017, GUIDANCE FOR EVALUATING SIMULTANEOUS OPERATIONS (SIMOPS) DURING LIQUEFIED NATURAL GAS (LNG) FUEL TRANSFER OPERATIONS, Ref: (a) CG-OES Policy Letter No, 01-15.

In addition, the concerns about invasive exotic species that may result from larger discharges of ballast water from larger vessels cannot be overstated in terms of either ecological or economic impacts. The invasion of such species into major ports and waterways of the U.S. have cost billions of dollars in control efforts and lost economic value from damage to important fish and wildlife species as well as the habitats that support them.² For more information see

http://water.epa.gov/polwaste/vwd/ballastwater/invasive_species_index.cfm

http://water.epa.gov/polwaste/vwd/ballastwater/invasive_species_bal_links.cfm

<http://www.invasivespecies.gov/index.html>

DRN is very concerned about the release of PCBs from the site. EPA identified the Repauno site in 2003 as one of the largest PCB point sources in the Delaware Estuary (among the top 10). A TMDL was established for the Estuary to remediate the contamination. Dredging; construction in the water, riverbank and on uplands; and site disturbance and stormwater systems will disturb PCBs, which have been found in near-shore sediments and in runoff from the site. There is a zone of highly contaminated sediments immediately adjacent to the shore and port facility. DRBC's dedicated role in reducing PCBs in the Estuary and its role to ensure that PCB Pollution Minimization Plans (PMP) are effectively implemented is compromised by the plan to disturb, construct on, and dredge this site.

The 2017 DRBC docket approved dredging and other disturbances that could significantly increase PCB loading to the already-impaired Delaware Estuary. DRBC did require in the current docket a PCB sampling program to be conducted by Delaware River Partners and stated that capping to raise the site to a higher elevation would help to minimize PCB release. We did not see any analysis that proves that statement. A NPDES permit was supposed to be required to assess PCB migration from the site and to possibly require a separate pollutant minimization plan to be conducted by Delaware River Partners. However, the project is currently under construction while no NPDES permit is in place that requires sampling and monitoring of the release of PCBs during this critical disturbance phase of the project.

There are several unaddressed questions regarding this PCB issue. First, the sampling and the controls should have gone into operation prior to dredging and land disturbance that could release PCBs but this apparently is not the case unless the NPDES permit has been issued without public disclosure. Second, Chemours claims that the site is "substantially remediated" for PCBs yet there is no evidence that PCBs are remediated and the sampling as recently as 2018 shows otherwise. Third, Chemours currently operates the site remediation program, including a groundwater pumping system which is supposed to continue during the operation of the facility. If the 2017 DRBC Docket condition is carried out, how will the Delaware River Partners operation of a separate PCB plan, possibly connected to the stormwater infrastructure, be coordinated physically, managerially, and legally in concert with the cleanup of the groundwater by Chemours?

DEP had informed DRBC during the last docket review that there would be a stormwater permit issued for the facility that would address the PCB issues through a DEP-issued NPDES permit. However, there was no stormwater permit issued after the DRBC Docket was approved. Instead, after a year of phone calls and file reviews, DRN finally got a copy of the stormwater permit in 2019 for the site – a permit DEP claimed did not exist since the time DRN filed an OPRA for the project. It was issued in 2017 but had no mention of PCBs. This permit was not even contained in the DRBC's files.

More perplexing is that the 2017 DRBC docket at C.(I).l. requires that when the DEP NPDES permit is issued “the docket holder shall perform an investigation of the site to assess the disposition of stormwater and the flow paths for the individual stormwater outfalls either directly or indirectly to the Delaware River in order to develop and implement a PCB stormwater sampling plan. Upon evaluation of the sampling results by the NJDEP in consultation with the DRBC, DRP may be required to develop and implement a separate PMP for PCBs in accordance with Section 4.30.9 of the Commission’s Water Code and Water Quality Regulations (18 CFR Part 410).”⁹

The draft docket has no mention of a NPDES permit and records obtained by DRN from DRBC through FOIA, show that the applicant stated that a NJPDES permit is pending in an email dated May 14, 2019. However, a week later an email from the applicant dated May 21, 2019 states, without any explanation, that the NJPDES permit is “not required”. The NPDES permit is not listed in Table B-1 in the draft docket. DRN asks why the NPDES permit was, suddenly, not required, who made that determination and why and how is a condition of the current (2017) docket summarily violated? How will the PCB sampling program be carried out, how will PCB be controlled from the site for the current development of the site and what precautionary measures are being taken by DRBC to ensure that the PCBs released from the activities required for Dock 2 do not contribute to PCB contamination of the Delaware River Estuary?

The Gibbstown Logistics Center is wholly compromised by its location on a highly contaminated property. Construction and operation of the Center can be expected to disturb and mobilize soil, sediment, surface water and groundwater pollution that is present on this Superfund site. This is a former industrial site that is under remediation known as the Repauno Plant. It is a 1,856-acre site located along the Delaware River in Gloucester County, NJ. The site is bounded to the north by the Delaware River, to the east by a former Hercules Chemical manufacturing plant, to the south by the city of Gibbstown, and to the west by wetlands and Repauno Creek. The western half of the site consists almost entirely of surface water bodies and wetlands. Former and current production operations are located in the northeastern part of the site. Several production areas have discontinued operations and structures have been razed. The eastern half of the site also consists of some upland and wetland ecological communities (EPA, 2003). Altogether, the site contains approximately 1,500 acres of wetlands (Fichera, 2015). The Gibbstown Logistics Center is planned to use 218 acres.

DuPont operated the site as an explosive manufacturing facility since 1880. In 1917, DuPont expanded operations to include the manufacturing of organic compounds, which continued until 1986. All explosive manufacturing and ammonia production were discontinued during the 1960s. Repauno is a CERCLA site undergoing remediation (<https://cumulis.epa.gov/supercpad/CurSites/calinfo.cfm?id=0200783>). The area previously used by DuPont as a terminal location for anhydrous ammonia began being cleaned for reuse in 2002, according to the 2002 Annual Groundwater Progress report (EPA, 2003).

One of the dangerous contaminants on the site is nitrobenzene, a highly toxic chemical classified by the Centers for Disease Control as “Immediately Dangerous to Life or Health” if people are exposed at specific concentrations. Nitrobenzene is a likely human carcinogen according to the United States EPA and is linked to several carcinomas and cancers as well as other dangerous human health effects. The area where the logistics center would operate is the area is most likely exposed to aniline, a toxic chemical with adverse health effects; aniline is involved with the processing of benzene to make nitrobenzene. The area where

⁹ Docket No. D-2017-009-1, p. 9.

acids were used is also at least partly included in the proposed site. These acids were most likely “mixed acids” associated with the nitrobenzene manufacturing process and are toxic. Redevelopment can disturb and distribute in unforeseen ways contaminants that remain on the property. DRN advocates that no disturbance of the contaminated site be allowed until all contaminants are removed from the soil, sediment, groundwater, surface water, wetlands and other related natural systems.

In addition, several different companies have leased areas at the Repauno facility. In 1998, Repauno Products LLC purchased the manufacturing operation that produced sodium nitrite and nitrosylsulfuric acid. In 1999, Spring AG purchased the industrial diamond refining operation, which ceased in late 2002. Industrial diamond processing may have used chemical vapor deposition or other dangerous processes that are used to manufacture industrial and synthetic diamonds, contributing additional contaminants to the site’s environment that require investigation prior to use of the property.

In 1990, 8,500 tons of sediments were removed from the ditches in the former Nitrobenzene and PMDA/DMT production areas (EPA, 2005). In the three rounds of sitewide investigation completed in 1993, 1996, and 2000 respectively, DuPont screened all Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) for their investigation/remediation priorities and focused on the migration/flow of groundwater and the soils in former production areas. The currently ongoing fourth round of investigation is to complete the investigation of the remaining two SWMUs/AOCs and to conduct an ecological risk assessment for the wetlands, streams, and the ditch system (EPA, 2005). In 1985, DuPont installed a system to pump contaminated groundwater and to treat it. The groundwater interceptor system has been in operation since, in conjunction with a groundwater-monitoring program, owned and operated by Chemours, DuPont’s spinoff company since 2015. Chemours is required to continue the groundwater interceptor system together with the sitewide groundwater monitoring program to confirm that contaminated groundwater is under control. How the operation of the Center and the remediation program will compatibly operate is difficult to understand and needs further analysis by EPA, DEP and other relevant agencies, including DRBC, due to the potential for negative impacts from pollution to the water resources of the Delaware River Basin.

DEP is supposed to impose restrictions on the use of groundwater for as long as it remains contaminated (EPA, 2005). The draft docket states that water and sewer for the Center will be provided by the local municipal facilities, which is important for public health and safety. Has there been an analysis that shows the local facilities have the capacity to add the Center? EPA claimed in 2005 that the site was no longer a risk for human exposure and groundwater contamination (Romalino, 2015). These new uses at the site should require a re-analysis of that conclusion. The site plans call for one or more of the monitoring wells being used to track remediation to be paved over for a parking lot. Baseline and years of data will be compromised if consistent sampling is lost. It is essential that the current monitoring wells remain.

Permits

As stated in the letter dated June 3, 2019 submitted by DRN to DRBC, there are several permits that have not been identified by the applicant that are needed for this project. Some permits that are still needed are listed in the letter but we also point out that other permits should have also been identified in the draft docket but were not. These include approvals from the United States Coast Guard under 18 CFR Parts 153 and 157? Has Delaware River Partners filed a Letter of Intent (LOI), which is due one year in advance? Has a Water Suitability Assessment been filed with the LOI as required at 33CFR 127.007 (f) and (g)? Has

the Coast Guard issued a Letter of Recommendation? These analyses are essential to the decisionmaking about this facility, which may not proceed without the Coast Guard reviews. There has been no determination that the Delaware River at this location is suitable for LNG marine traffic. Until there is a Coast Guard determination for the transport from this terminal, it is premature to consider other approvals. The application is deficient for not including this important permit, in addition to the other federal and state permits DRN has listed in our letter.

Environmental and Health and Safety Impacts Regarding LNG

DRN provides the following information about the unique dangers of LNG and its transport, storage, and handling, illustrating that LNG is a special product that needs specific conditions that DRN does not consider to be available at this site or within the Delaware River Watershed:

It is known that, upon release in a liquid state, LNG expands to a gas cloud that is 600 times larger than the amount of liquid. The gas cloud then moves across the surface, can travel many miles quickly and can also become trapped under spaces that confine the gas, providing the conditions that cause explosion and, if there is a point of ignition such as a spark or flame, fire will result.

New information has shown that LNG can cause a catastrophic BLEVE or Boiling Liquid Expanding Vapor Explosion if the vessel is exposed to high temperatures or a fire. The expansion of the liquid LNG in a vessel causes the pressurized liquid to boil, and the gas takes up more room than the liquid, stressing the container as pressure builds. Relief valves are only designed to release pressure slowly to keep equilibrium in the pressurized container. Exposed to high heat, the valve will fail to keep up and the metal will weaken, cracks will result in the container, causing LNG to be released with an explosion.¹⁰ The result is a BLEVE, a catastrophic failure of the container. There are many incidents over the years of BLEVE catastrophes¹¹, some as recent as 2019, but the fact that a BLEVE can occur with LNG has only recently been established.

When the gas or vapor cloud in the container is released because it is flammable, it is likely to ignite after the BLEVE, typically causing a fireball that burns fast, hot and wide. A fuel air explosion can also occur, known as a “vapor cloud explosion”. A vapor cloud explosion is the mechanism used in a thermobaric weapon that uses air to generate a high-temperature explosion, producing a long duration blast wave. These weapons are also termed a fuel-air bomb.¹² This is the threat that LNG storage and transport brings to the Gibbstown region and to every traffic route used to carry the LNG to the Delaware River and on the river during export.

On dry land such as a terminal where LNG is stored or is contained in tankers on trucks or rail cars, a BLEVE where there is no liquid in the local environment to absorb the heat, can rupture even faster than a vessel on water. Truck transport regulations are being closely examined due to an increase in accidents involving truck transport of LNG. While it used to be assumed that truck transport had a low potential for explosion or fire, an accident in Spain changed that:

“In 2002, an LNG truck in Spain flipped over, burned, then exploded into a 500-foot fireball that killed the driver and burned two others. ‘The severity of this kind of explosion is something people haven’t usually considered applicable to LNG trucks,’ says Jerry Havens, former director of the

¹⁰ https://en.m.wikipedia.org/wiki/Boiling_liquid_expanding_vapor_explosion

¹¹ Ibid.

¹² https://en.m.wikipedia.org/wiki/Thermobaric_weapon

Chemical Hazards Research Center at the University of Arkansas. ‘But what happened in Spain changes that picture. It shows you've got the potential for a massive explosion.’”¹³

In the accident in Spain, a BLEVE occurred, which resulted in death to the driver and burns to two people approximately 650 feet away, and threw large flaming debris, including the truck’s diesel engine, for 853 feet. A similar LNG truck accident with a catastrophic fire occurred in Spain in 2011, killing the driver.¹⁴ It was pointed out by an analyst in Savanna Georgia during debate over LNG truck transport that a pool fire and and/or explosion involving an LNG truck may have a low probability but it has a high consequence with instant injuries or death for those within several hundred feet.¹⁵ The chances, according to the analyst, of an LNG truck accident are 200 to 1.¹⁶ This is a great risk for populated areas and truck routes through urban centers.

Regarding rail use, the U.S. Department of Transportation’s Federal Highway Administration (FRA) nor the Pipeline and Hazardous Materials Safety Administration (PHMSA) have not approved rail car regulations for the transport of LNG yet. There has been very limited use of rail so far, with only one approval in Alaska by the Obama Administration, local small use in Florida, and some use in Canada. Statistics that claim few accidents mean that trucking of LNG is safe are misleading because, similar to crude oil transported in unsafe train cars a few years ago before the Bakken crude phenomena, it has been rarely done. For Bakken oil trains, accidents increased 400% in one year once volume of traffic increased, creating the biggest jump in deadly and/or catastrophic train accidents in years.

The Trump Administration has provided a big push for the use of rail for LNG transport in April 2019 with President Donald Trump issuing an executive order directing federal regulators to create new rules allowing rail companies to transport LNG by rail in the next 13 months, or less.¹⁷ Considering the length of time it customarily takes PHMSA and the Federal Railroad Administration to develop new car specifications and use regulations, one year is a truncated period that fast-tracks the approval the President is seeking. The priority, according to LNG promoters, is a quick approval to meet the need for the industry to serve new markets. This does not inspire confidence in the results.

In the event of a release of LNG, the LNG must gas off naturally, as the container cannot be capped or interacted with, the area must be immediately evacuated and secured, ignition sources must be eliminated, and water cannot be used, as the release is cryogenic. Water can plug the valves of the container with ice and any cold air release can freeze skin in seconds and can even turn air to liquid or solid form, removing oxygen, an obvious disaster for anyone in the area. These handling procedures apply to any container of LNG under pressure, including those used in transportation such as truck or rail containers or storage vessels at a terminal, ships, or at a liquefaction facility.¹⁸ The dangers of an LNG release and fire from a tank accident are unique to LNG and require special handling due to the highly dangerous properties of the

¹³ <https://www.csmonitor.com/2006/0707/p02s01-usgn.html>

¹⁴ https://www.researchgate.net/publication/235976022_Explosion_of_a_road_tankerContaining_liquefied_natural_gas

¹⁵ <https://www.savannahnow.com/article/20101006/NEWS/310069738>

¹⁶ Ibid.

¹⁷ <https://www.govinfo.gov/content/pkg/FR-2019-04-15/pdf/2019-07656.pdf>

¹⁸ PHMSA, “Safe Transport of Energy Products”, <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/research-and-development/hazmat/58176/day-1-pm-2.pdf>

LNG and its gases. This is well illustrated in a report of an LNG tank truck accident in Belgium, which has been used as a “lessons learned” example by first response trainers¹⁹

When a fire erupts around or under a LNG container, it can cause a BLEVE quickly, in as little as 15 minutes for a large tank (2 ½ minutes for a small tank). Once a fire ignites around the container, the 2000 Department of Transportation (DOT) Emergency Response Guidebook (ERG) states that a 1,600-meter perimeter must be isolated around the container, as explained in the relevant text at Guide #112, the same as for explosives such as bombs and artillery. Since water cannot be used to cool the container or extinguish the fire, and the evacuation area is so large, the fire response is, especially if there are no lives at risk, for firefighters and first responders to evacuate the 1,600-meter area and let the fire burn out, similar to the response to crude oil derailments that risk explosion. In fact, even removing the damaged container can be risky. An example of how firefighters in Utah decided to handle a train derailment with damaged propane tanks illustrates the risks – it was less dangerous to detonate the cars in place than move them.²⁰ Of course, this is not possible in a populated area, begging the question of how much risk for communities is involved with flammable liquid in rail cars.

This makes the transport of LNG in containers and the storage of containers of LNG inherently dangerous and inappropriate for populated areas. The proposed Logistics Center is located next to a residential area in Gibbstown. There is a day care center and housing in Gibbstown adjacent to the Block and Lot of this site. These residential and day care uses are not compatible with the proposed activity, especially if the activity includes handling of hazardous substances such as LNG or NGL or other bulk liquids. Prevention of exposure to toxics and hazardous materials is the only way to provide protection to the especially vulnerable population of children at a day care center and to the workers, residents and families who are located adjacent to the site.

The transport routes, not yet identified by New Fortress, are through communities across Pennsylvania and New Jersey. Has the proximity of the LNG activities to structures, receptors, and residences been calculated and are there sufficient separation distances as required by U.S.DOT? US DOT has requirements (in 49 CFR Part 193) for thermal radiation and vapor dispersion hazard-based exclusion distances around land based, fixed LNG terminals. This is an essential analysis for the protection of Gibbstown and the region.

Transportation safety issues, while previously not a large concern when truck and rail transport was rare, are emerging as an important concern across the nation as transport by truck increases and rail is expected to be used as a major means of transport for an expanding industry in the near future. The Marcellus Shale has made Pennsylvania the second largest producer of natural gas in the nation, and the industry is looking for new markets and new means of delivering gas products. So, transport is ramping up to substantially increase. However, the current anti-regulation climate at the federal level means that the safety measures required for safe transport are not likely to be enacted under the current Trump Administration. The US Department of Transportation’s upper management and policymakers are heavily influenced by or transferred directly into their positions from industry and have been actively carrying out a roll back of transportation regulations. According to an Associated Press investigative report, the rolling back of transportation regulations and the elimination of regulations that were in progress, has been and is increasingly a hallmark of the Trump Administration.

¹⁹ <https://www.ctif.org/sites/default/files/2018-09/Retex%20LNG%202018%2006%2006%20ENG-reduced%20size.pdf>

²⁰ <https://www.desmogblog.com/2019/04/17/trump-executive-order-lng-rail-bomb-train-risks>

“Industry’s influence on regulations generally “is probably more powerful than it has ever been,” said Neil Eisner, who was the DOT assistant general counsel in charge of overseeing the issuing of regulations for more than three decades. DOT says having industry insiders in leadership positions provides deep practical experience in how the transportation industry works.”²¹

The AP article goes on to use as an example the statement by USDOT DOT of its intention to repeal “a 2015 rule opposed by freight railroads requiring trains that haul highly flammable crude oil be fitted with advanced braking systems that stop all rail cars simultaneously instead of conventional brakes that stop cars one after the other”.²² Delaware Riverkeeper Network and many other organizations and safety groups when proposed by USDOT after the deadly Lac-Mégantic rail disaster in Canada where 47 people died and a town was destroyed, supported this rule.

“Trump has made reducing regulations a priority, seeing many rules as an unnecessary burden on industry. Last month he tweeted that his administration “has terminated more UNNECESSARY Regulations, in just 12 months, than any other Administration has terminated during their full term in office...”

The good news is,” he wrote, ‘THERE IS MUCH MORE TO COME!’”²³

However, not every effected sector is supportive of the relaxation of regulations. Reflecting the concerns of workers:

“These rules have been written in blood,” said John Risch, national legislative director for the International Association of Sheet Metal, Air, Rail and Transportation Workers. “But we’re in a new era now of little-to-no new regulations no matter how beneficial they might be. The focus is what can we repeal and rescind.”²⁴

Additionally, it is unknown how the truck or rail-delivered LNG will be transloaded and what transfer systems will be employed. There is a cavern on the site that was presumably going to be used for natural gas liquids (NGL), although it was stated at the DRBC Hearing that there would be no storage on site of bulk liquids. Funds have been invested by the owner of the property in renovation of the cavern but whether it is expected to be enlarged and what is to be stored in it, is unknown but should be publicly disclosed and disclosed to all agencies, including DRBC. Storage conditions, even if kept in idling or parked trucks, are critical to avoid releases of the super-cooled LNG for safety as well as climate impact considerations. DRN asks why the site plans show a bulk liquid tank area, a sphere tank area and the on-site cavern for bulk liquids storage if, as stated by DRBC staff at the public hearing, there will be no bulk liquid storage on site and only truck or rail transloading directly to ships?

Another important consideration is the use of trucks to carry the LNG product will increase emissions of natural gas constituents, including methane, into the air and will emit hazardous air pollutants due to diesel exhaust. The emission of air pollutants to communities along the transport route unjustly exposes people to health hazards that they may be unaware of due to the transient nature of the vehicles. There should be an

²¹ <https://www.apnews.com/1936e77a11924c909880f1ef014c7ca7>

²² Ibid.

²³ Ibid.

²⁴ Ibid.

analysis of the truck route impacts on communities, environmental justice areas, and areas such as the Delaware River valley where there is already a non-attainment area for ozone, resulting in smog and the resulting respiratory and other adverse health effects that accompany air pollution and the deposition of air pollutants on water, such as the Delaware River, the water supply for millions in the region. The venting of the trucks (or railcars) is necessary en route to avoid over-pressurization, so those emissions are unavoidable but nonetheless, unacceptable.

As explained in an article about LNG-powered ships in Washington state, natural gas is composed mostly of methane, which is one of the four major greenhouse gases and a culprit in the the global warming of our atmosphere, exacerbating climate change. Moreover, methane leaks throughout the entire gas development process, from fracking at the extraction well, through pipeline and compressor delivery systems, during storage and in end use such as power plants and gas processing and petrochemical facilities, including when it is used for fuel in shipping. The article states “The International Coalition for Clean Transportation estimates [2.2-4.6% of methane on ships](#) escapes into the atmosphere after passing through the engine without combusting. This is known as methane slip and its rate depends on the type of engine.”²⁵

It explains further, that “Again, LNG is composed chiefly of methane, which is itself a nasty greenhouse gas – 86 times worse than CO2 over a 20 year span and 36 times worse over a 100 year span. New research actually suggests that those numbers may be [underestimated by as much as 14%](#). This means that we don’t want to be adding any more methane to the atmosphere and, in fact, scientists point out that we can have [more immediate impacts on lessening climate change by reducing methane](#) since it doesn’t last as long in the atmosphere as CO2. Alarmingly, US methane emissions [have risen 30%](#) in the past decade thanks mostly to the central US, a hotbed of fracking.”²⁶

The impacts of greenhouse gas emissions that will be released by this project are substantial and can be minimized if gas products – LNG and NGL -- are eliminated as cargo that will be handled at the Gibbstown Logistics Center. Methane and carbon are leaked, released or burned through the full life cycle of the hydraulically fractured (fracked) gas produced for this project – from extraction by fracking through delivery systems such as pipelines and compressors to the liquefaction plant, the processing at the LNG liquefaction plant, the transport by truck, rail, or pipeline to the export terminal, any interim storage, transloading of the material the storage in the ocean-going vessel and then the final re-gasification of the LNG and its end use. This uncontrollable and inefficient process is also deadly in its effects on atmospheric warming and the climate crisis we are facing globally. It is irresponsible and shortsighted to support the further development of fracked gas projects. At the very least, a climate change impact analysis must be done for this project to measure and then assess the potential effects of the full life cycle of LNG and NGL greenhouse gas emissions and climate change effects that would be produced for the Gibbstown Logistics Center.

This comment is submitted in addition to the two letters submitted by Delaware Riverkeeper Network to DRBC dated June 3, 2019 and May 28, 2019, and the verbal testimony of Tracy Carluccio at the public hearing of June 6, 2019.

Conclusion

²⁵ <https://www.350tacoma.org/the-origins-of-lng-as-a-maritime-fuel/>

²⁶ Ibid.

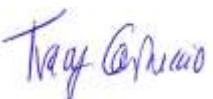
The draft docket is deficient and misleading. It lacks essential information and continues to obfuscate the major intended use of the facility, LNG export. DRN requests that the draft docket be held back from the DRBC's business meeting based on its incompleteness. We point out the lack of adequate time for the Commissioners to review the project to be a major obstacle for a full and fair review (only 2 days before the meeting when the usual review period for the Commissioners is 30 days).

If the docket is included on the agenda at the business meeting, we request the Commissioners either disapprove the draft docket based on the evidence presented showing substantial harm to Delaware River water resources or withdraw the draft docket from consideration until a comprehensive analysis by all relevant agencies is complete and permits have been subject to public review and input. If the DRBC considers this docket in the future, DRN requests that after all other permitting and exhaustive environmental reviews are complete, DRBC provide at least a 60 day comment period for the draft docket so the public can be afforded the time and information needed to assess and provide input into the decisionmaking.

Respectfully submitted,



Maya van Rossum
the Delaware Riverkeeper



Tracy Carluccio
Deputy Director



May 28, 2019

Neil Chatterjee, Chairman
Cheryl A. LaFleur, Commissioner
Richard Glick, Commissioner
Bernard McNamee, Commissioner
Federal Energy Regulatory Commission

Lieutenant Colonel Kristen Dahle, Commander
Mike Hayduk, Chief, Application Section II
US Army Corps of Engineers Philadelphia District
100 Penn Square East
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Commissioners & Executive Director
Delaware River Basin Commission
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Captain Scott Anderson
Commander of U. S. Coast Guard Sector Delaware Bay & Captain of the Port in Philadelphia
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Shawn M. Garvin, Secretary
DNREC
89 Kings Highway
Dover, DE 19901

Re: LNG Cover Up -- Gibbstown Logistics Center and New Fortress Energy LNG Terminal Being Proposed But Not Disclosed to Agencies or Public.

Dear FERC Commissioners, DRBC Commissioners, Army Corps of Engineers Leadership, Captain of the Port, Secretary of PADEP, Commissioner of NJDEP, Secretary of DNREC,

The Delaware Riverkeeper Network (DRN) has learned of a plan to develop a Liquefied Natural Gas (LNG) export terminal on the Delaware River in Greenwich Township, Gloucester County, New Jersey. The facility is proposed at the former DuPont Repauno site at 200 North Repauno Avenue in Gibbstown. Since 2016, agencies and the municipality have processed applications submitted by Delaware River Partners for permits for this facility, known as Gibbstown Logistics Center, to be established as a multi-use Marine Terminal that includes a warehouse and natural gas liquids (NGL) export terminal. As recently as March 2019 the NJ Department of Environmental Protection and the Delaware River Basin Commission have received permit applications seeking to expand the project to include an additional dock in order to expand proposed port activity at the site. **No public documents, permit applications or public notices for public comment, including those dated March 2019, have ever included any mention that this site is in fact to be developed, in part, as a facility to handle and export Liquified Natural Gas (LNG). In addition, Freedom of Information Act requests and materials filed with the Federal Energy Regulatory Commission (FERC) make no mention of this site as a proposed LNG export facility. And yet, the Delaware Riverkeeper Network has received information that there is in fact an intention by site developers, owners, and/or operators to develop and use this site as, at least in part, an LNG export facility.**

The Delaware Riverkeeper Network has actively participated in the public permit review process, engaging experts in various environmental fields to substantively review and comment on the NJ Department of Environmental Protection (NJDEP) permit applications, the Delaware River Basin Commission (DRBC) docket, the Army Corps of Engineers permit application (Army Corps), and the Greenwich Township Zoning and Planning Board applications. Delaware Riverkeeper Network has attended and verbally commented at public hearings regarding the review of the project held by the municipality and by the DRBC and took part in NJDEP phone calls regarding the project's permits, including at least one conference call, throughout 2016, 2017, and 2018. Delaware Riverkeeper Network has been following up with NJDEP in 2019 for any new developments at the site but was informed that there were no new permit applications. One NJDEP stormwater permit that Delaware Riverkeeper Network has been tracking to review and comment on, was finally released to Delaware Riverkeeper Network as an approved permit in 2019 even though the permit was issued in March 2017. Delaware Riverkeeper Network had been told by NJDEP that the permit did not exist until the approved permit was released in March 2019 after repeated requests to NJDEP by Delaware Riverkeeper Network. At no time throughout Delaware Riverkeeper Network's participation in the public review of this project was the export of LNG from the facility ever discussed.

Delaware Riverkeeper Network has been investigating a project in Wyalusing Township, Pennsylvania proposed by New Fortress Energy, LLC. The proposed \$800 million plant in Browntown would convert natural gas to liquefied natural gas (LNG). New Fortress Energy describes itself on its website as:

New Fortress Energy is managed by an affiliate of Fortress Investment Group, a highly diversified global investment manager with approximately US\$36 billion of assets under management and US\$17 billion deployed within infrastructure, transportation, and energy sectors. <http://www.newfortressenergy.com/>

According to SEC filings by New Fortress Energy (as filed with the Securities and Exchange Commission on November 9, 2018, Registration No. 333-UNITED STATES SECURITIES AND EXCHANGE COMMISSION, Washington, D.C. 20549. FORM S-1, REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933. New Fortress Energy LLC.):

We are an integrated gas-to-power company that seeks to use “stranded” natural gas to satisfy the world’s large and growing power needs. Our mission is to provide modern infrastructure solutions to create cleaner, reliable energy while generating a positive economic impact worldwide. Our business model is simple, yet, we believe, unique for the liquefied natural gas (“LNG”) industry. We aim to deliver targeted energy solutions to customers around the world, thereby reducing their energy costs and diversifying their energy resources, while also reducing pollution and generating compelling margins.

We aim to deliver targeted energy solutions by employing a four-part integrated LNG production and delivery model:

Liquefaction – Our approach is to enter into long-term, largely fixed-price contracts for feedgas, then liquefy that gas at or proximate to its site of extraction, minimizing transport and pipeline costs for the feedgas producers. We are currently developing two liquefiers in the Marcellus area of Pennsylvania, each of which is expected to have the capacity to produce approximately 3 to 4 million gallons of LNG (which is the equivalent of 250,000 to 350,000 MMBtu) per day, and intend to develop five or more additional liquefiers over the next five years.

Logistics – We expect to own or control the logistics assets necessary to deliver LNG to our customers through our “logistics pipeline.” **Tanker trucks will transport LNG from our liquefiers to a port on the Delaware river for Marcellus sourced LNG or the Gulf of Mexico for Mid-Continent sourced LNG**, at which point LNG will be transloaded directly to large marine vessels.

Shipping – We have long-term charters for both large-scale floating storage units (“FSUs”) and floating storage and regasification units (“FSRUs”), and smaller liquefied natural gas carriers (“LNGCs”). These assets transport LNG from ports to our downstream terminals for ultimate delivery to our customers. There is approximately a five day sail time from port to our downstream terminals in the Caribbean.

Terminals – Through our network of current and planned downstream terminals, we will be positioned to deliver gas and power solutions to our customers seeking either to transition from environmentally dirtier distillate fuels such as ADO and heavy fuel oil (“HFO”) or to purchase natural gas to meet their current fuel needs. Our goal is to build 10 - 20 downstream terminals over the next five years.

(note: yellow highlighted added for emphasis)

Also, reported in local news in Pennsylvania:

New Fortress said it is focused on providing liquefaction solutions in remote areas with stranded gas. The company also said in its prospectus that a tanker truck fleet would move LNG from its first facility in Pennsylvania to a port along the Delaware River about 200 miles away, where it soon expects to finalize a lease for a facility.

“In answer to a question about where the LNG would be shipped, McElmurray said, ‘We know for sure that it’s going to a couple facilities along the Delaware River. We expect to supply LNG to utilities such as Con ED that are having difficulties getting gas because of restrictions on building pipelines. They are very interested in this type of facility.’”

http://www.rocket-courier.com/node/290069?pk_campaign=Newsletter

(note: yellow highlighted added for emphasis)

In April 2019, the DRBC issued a Notice of Applications Received that listed a new activity for the proposed Gibbstown Logistics Center site in Greenwich Township, NJ (<https://www.nj.gov/drbc/programs/project/pr/status-pg.html>):

An application for a new dredging project at the Delaware River Partners (DRP) Gibbstown Logistics Center, a multi-use deep-water seaport and international logistics center currently under development, located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, New Jersey. The new project consists of the construction of an additional dock/wharf containing two deep-water berths, which will include the dredging of approximately 665,000 cubic yards of sediment from the Delaware River to a depth of 43 feet below mean lower low water (MLLW) elevation.

Conversation with agency staff revealed that the application is related to the addition of a new activity for the project site, the export of LNG that would be “layered on” to the already approved NGL terminal and warehouse activities at the facility.

The Delaware Riverkeeper Network has been actively submitting Freedom of Information Act Requests to the Army Corps and FERC, has been engaged in conversations with staff, and have been reviewing any and all agency materials related to this site we have been able to find. At no point have any of the materials received mentioned that this site is to be developed and used for LNG export. In fact, in response to Freedom of Information Act Requests submitted to FERC we find no information discussing any proposal for an LNG export facility to be located on the Delaware River or referencing the Gibbstown Logistics Center.

Today we learned that the DRBC is rushing to hold a hearing on a draft docket dated May 24, 2019, and posted on the DRBC website May 24, based on the March 11, 2019 application that was submitted to DRBC for expansion of activity at the site (primarily construction of a new dock, as well as associated dredging and construction activities) and yet nowhere in the application materials, DRBC public notices, or other information associated with this hearing is there any mention of proposed LNG exports. (**DOCKET NO. D-2017-009-2**). Written comments will be accepted on the proposed docket through 5:00 p.m. on Friday, June 7, 2019 and the DRBC will consider approval at their June 12 business meeting. This schedule is extremely compressed compared to the usual 14 to 15 days notice of a docket hearing and a one-month review period by DRBC Commissioners prior to a vote.
(https://www.nj.gov/drbc/home/recent/approved/20190524_public-hearing.html)

The export of LNG from the Gibbstown Logistics Center requires public notification, and a significant level of environmental and safety information, as well as additional review and consideration by all regulatory agencies involved to date (and those that have apparently not been involved, such as FERC) is needed.

All agencies, communities, elected officials and the public must be given clear and detailed information on the LNG export proposal before any additional consideration or progress can and/or should be made by regulatory agencies for this site.

Obviously, the DRBC must cancel the planned June 6, 2019 hearing until full and fair disclosure of the true facts have been made.

That the liquefaction is potentially going to take place at another location with the LNG being brought to the site for storage and ultimate export does not in any way negate consideration of the significant environmental, safety and climate changing impacts of the proposal.

LNG brings with it the hazards of a spill and release. If LNG liquid is released it creates a serious safety hazard for those around. LNG vapor clouds can travel many miles if not ignited, transferring their threat of harm over a broad area – we have read 3 to 10 to even 50 miles depending on the size of the spill etc. Spills that catch on fire bring with them serious risk of burn – second degree burns within 30 seconds for those exposed within a mile.

LNG tankers require the use of ballast water to compensate for the on or off loading of the LNG cargo – this brings with it, among other things, concerns for the introduction of foreign and invasive species when ballast water is discharged. Intake of water is also required for cooling purposes for some ship engines. To the extent the intake and discharge of water is a threat of harm to Delaware River species, it is a serious and legitimate concern. Commercial and recreational fishing are vitally important to the communities of our region with the tidal Delaware River being the source of over \$34 million in fish landings alone.

And we cannot forget that bringing in to the Delaware River Basin a facility designed to support the transport of fracked shale gas brings with it also the responsibility for the upstream harms that occur from inducing and supporting increasing shale gas development. The harms of shale gas development includes significant climate changing emissions. The water, air, food, land and community destruction that is taking place from shale gas development is immense and growing. Drilling, fracking and all the activities needed to extract gas from shale is harming jobs, property values, recreation, and the health and safety of our communities and environment; and it is very literally making people, families and

communities sick. To take steps that further fuel these harms for both present and future generations must be taken into consideration under the state and federal laws that are implicated in the review and approval process of this proposed site.

The Delaware Riverkeeper Network writes this letter to expose this apparent cover-up and failure by parties involved and aware to ensure full public disclosure of this critical information.

We demand that the DRBC cancel the upcoming June 6 hearing. We demand that all agencies who have given any approval for this site rescind such approval until they have had a full and fair opportunity to review the ramifications of LNG export from the site and have had the full benefit of a genuine and fully informed public review and comment process.

Respectfully & Urgently,



Maya K. van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network



Tracy Carluccio
Deputy Director
Delaware Riverkeeper Network



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:***

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

(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,

Maya K. van Rossum

Maya K. van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network

Tracy Carluccio

Tracy Carluccio
Deputy Director
Delaware Riverkeeper Network

Ed Grystar

We need to be producing less gas, not more. End the corporate and profit driven exporting of gas.

Ellen Wert

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Frank Evelhoch II

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Frank Ketcham

Why do we have laws and regulations if they are not enforced. Make the applicant submit their request stating this if for LNG loading and with the environmental concerns addressed



BOARD OF
CHOSEN FREEHOLDERS

COUNTY OF GLOUCESTER
STATE OF NEW JERSEY

FREEHOLDER DIRECTOR
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The County of Gloucester complies with all state and federal rules and regulations against discrimination in admission to, access to, or operations of its programs, services, and activities. In addition, County encourages participation of people with disabilities in its programs and activities and offers special services to all residents 60 years of age and older. Inquiries regarding compliance may be directed to the County's ADA Coordinator at (856) 384-6842/ New Jersey Relay Service 711.

June 5, 2019

The Delaware River Basin Commission
25 Cosey Road
P.O. Box 7360
West Trenton, NJ 08628-0360

**Re: Docket No. D-2017-009-2 - Delaware River Partners LLC
Gibbstown Logistics Center Dock 2
Greenwich Township, Gloucester County, NJ**

Dear Commissioners:

The purpose of these comments is to express support for Delaware River Partners' request of approval for a new Delaware River dredging and deep-water berth construction project at Gibbstown Logistics Center in Greenwich Township. This project is essential in helping to redevelop the vacant deep-water seaport, formerly a DuPont manufacturing facility, into a functional multi-use, multi-modal industrial port and international logistics center. Additionally, this project will play vital role in revitalizing the community of Gibbstown as well as surrounding communities, thus becoming a regional impact.

For more than 300 years, the Delaware River has served as a backbone of the Greater Philadelphia region's economy, allowing produce and variety of other products and commodities to imported and exported.

The revitalization and expansion of the Gibbstown facility, made possible by deliberately and thoughtfully planned private investment of approximately \$100 million, capitalizes on the opportunities that exist along the Delaware. The construction of Dock 2 will enable the site to handle a wide variety of bulk liquid products and commodities, while the proximity to direct rail service and major interstate highways will allow for products to be shipped from rail to ship, truck to ship, or ship to truck or rail.

More importantly, it will provide numerous primary and secondary benefits of critical importance to the local economy, including:

- Creating an estimated 200-300 union jobs during the construction of Dock 2 and will be part of creating at least 100 to 150 permanent jobs at the site once fully developed
- Generating additional local real estate taxes
- Driving additional commerce on the River, resulting in further economic development and spinoff business that positively impact local communities

This project is important for the continued community revitalization and the economic growth of Gibbstown, Gloucester County, southern New Jersey and the entire Greater Philadelphia region. It is the right time and the right place for a project of this nature. I, on behalf of the Gloucester County Board of Chosen Freeholders, urge you to approve this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert M. Damminger".

Robert M. Damminger, Director
Board of Chosen Freeholders
County of Gloucester



BOARD OF
CHOSEN FREEHOLDERS

COUNTY OF GLOUCESTER
STATE OF NEW JERSEY

FREEHOLDER DIRECTOR
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The County of Gloucester complies with all state and federal rules and regulations against discrimination in admission to, access to, or operations of its programs, services, and activities. In addition, County encourages participation of people with disabilities in its programs and activities and offers special services to all residents 60 years of age and older. Inquiries regarding compliance may be directed to the County's ADA Coordinator at (856) 384-6842/ New Jersey Relay Service 711.

June 5, 2019

The Delaware River Basin Commission
25 Cosey Road
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Sincerely,

A handwritten signature in blue ink, appearing to read "Robert M. Damminger".

Robert M. Damminger, Director
Board of Chosen Freeholders
County of Gloucester

gloria czapnik

Hazardous and dangerous plan!

Greg Navarro

The Delaware River Basin is a vital waterway in the 5 state area that it encompasses and keeping this waterway environmentally stable, clean and natural is paramount.

Herbert Elwell

Leave it in the ground

Howell Bosbyshell

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

IBEW LOCAL UNION 351

Please see the attached correspondence.

Thank you.

International Brotherhood of Electrical Workers Local Union 351

Street Address: 1113 Black Horse Pike, Folsom, NJ 08037
Mailing Address: P.O. Box 1118, Hammonton, NJ 08037
Phone: (609) 704-8351; Fax: (609) 704-0621



Daniel Cosner, Business Manager

Dear Sir/Madame:

I am writing to express support for Docket No. D-2017-0009-2 and urge approval for Delaware River Partners' request to complete a dredging and construction project along the Delaware River in order to expand the Gibbstown Logistics Center.

Since 1902, the International Brotherhood of Electrical Workers has contributed to the industrial growth in communities across southern New Jersey and along the Delaware River. For the past century, the jobs we have completed have helped build the middle class and ensured the economy works for everyone. This project does just that.

The proposed port and logistics center will transform the vacant DuPont Repauno Works facility into a multi-use, deep-water seaport and international logistics center.

The construction of a second dock and expansion of the site will bring new life to this once-blighted facility while creating hundreds of good paying, union construction-related jobs and providing much needed tax revenue to the community.

This project is a win for the South Jersey community and its union workers. I urge you to grant approval.

Sincerely,

A handwritten signature in black ink that reads "Daniel Cosner".

Daniel Cosner
Business Manager

DC:kc

ira josephs

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration."

Jamie Zaccaria

By rights, this Hearing should be cancelled due to the lack of information about the intended LNG use. Original applications for the terminal include export of Natural Gas Liquids (NGLs) and other products but no documents discussed the export of Liquefied Natural Gas, as recently as March 2019.

LNG is a hazardous material, dangerous to handle and store, bringing with it the hazards of a spill and release. If LNG liquid is released it creates a serious safety hazard for those around. LNG gas clouds expand to 600 times the amount of liquid and can travel many miles if not ignited. Spills that catch on fire bring with them serious risk of burn – second degree burns within 30 seconds for those exposed within a mile. LNG can cause a catastrophic BLEVE or Boiling Liquid Expanding Vapor Explosion. Transporting LNG by truck and rail entails safety risks similar to bomb trains and has not been fully vetted by responsible agencies.

Janet Cavallo

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you.

Janet Rafferty

I HIGHLY OBJECT to the application from Delaware River Partners, LLC for a new dredging project at the DRP Gibbstown Logistics Center, a multi-use deep water seaport and international logistics center currently under development, located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, NJ. The new project consists of an additional dock/wharf containing two deep water berths, which will include the dredging of approximately 665,000 cubic yards of sediment from the Delaware River to a depth of 43 feet below mean lower low water (MLLW) elevation.

Jeanne Held-Warmkessel

No new dredging for a LNG or any other terminal for fossil fuel depot.

Jeff Eidman

Certainly sounds dangerous and problems will have a significant effect on the community.

Jeffrey Rockwell

Given the environmental impacts of continuing and expanding fossil fuel as a source of energy, I feel that approving this terminal is short sighted. We should be moving and building towards renewable energy sources, not expanding use of outmoded energy sources. I urge you to deny this application.

Thanks for the opportunity to express my views.

Jennifer Clark

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Jessica DePete

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration."

JM Lavassaur

Re: D-2017-009-2 An application from Delaware River Partners, LLC for a new dredging project at the DRP Gibbstown Logistics Center

I am commenting on this application to strongly urge the DRBC use your authority to stop any consideration of this project until the correct environmental and safety assessments are conducted and the regulatory agency reviews have been completed as required applications for exporting LNG.

I believe that the current permit applications are not adequate to provide for proper oversight of the proposed LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications and necessary detail, including those for exporting LNG and the required environmental and safety assessments. It is actually a violation of current regulations for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and the habitats of several threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of MORE fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Because, we as planet, are at a critical tipping point in limiting the existential impacts of climate change, it makes no sense to allow new projects and infrastructure expenditures for energy technology that not only threatens our health and safety, but is being phased out all over the planet!!! In denying these applications, regulatory agencies can push fossil fuel dinosaurs toward green, sustainable energy alternatives that humanity needs to survive the worsening environmental crisis and put the Delaware River Basin, the East Coast of the U.S. and the world on track for a more sustainable future.

Thank you for your consideration of my comments and for working with We the People to protect our fragile and priceless environment

Joann Eckstut

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

June 6, 2018

Delaware River Basin Commission

Docket No D 2017-009-2

Stand up for the People
not the Gas Industry!

The Governors of NJ, NY and PA have expressed their desire to cleanup the environment. Governor Murphy has stated his desire for renewables to 100%!

I love solar, go thermal and drive a Chevy Volt. If we don't protect and cleanup what we have we won't have clear water and clear air. This dredging project would provide access to the federal navigational channel which would bring ocean going vessels carrying liquefied natural gas and other products that don't contribute to renewable, green energy but more pollution. No vote on June 12th

No fossil fuel projects for long range effect! No trucking!

Water and petroleum products

don't mix. Please, the consequences

would be deadly should we begin

Delaware Riverkeeper this project and is an injustice to

body & Water Watch. The public-endangering us all! Deny this Appicator!

Earth Justice. Please! Praying for Peace in a Warmer World.

Peace Garden

Yoga Environmental Standard

with Spirit

Janice Passone
25 Meadowbrook Rd, Robbinsville NJ 08691

June 6, 2018

Delaware River Basin Commission

Docket No D 2017-009-2

Stand up for the Public
not the Gas Industry!

The Governors of NJ, NY and PA have expressed their desire to cleanup the environment. Governor Murphy has stated his desire for renewables to 100%! I love solar, go thermal and drive a Chevy Volt. If we don't protect and cleanup what we have we won't have clear water and clear air. This dredging project would provide access to the federal nautical channel which would bring ocean going vessels carrying liquefied natural gas and other products that don't contribute to renewable, green energy but more pollution. No vote on June 12th no fossil fuel projects for long range effect! Not trucking! Water and petroleum products don't mix. Please, the consequences for would be deadly should we begin this project and is an injustice to the public-endangering us all! Deny this application! Please! Prayin for Peace in a Greener World

Jon Nadle

Dear Jon,

Delaware River Partners LLC is proposing to build a new dock and wharf with two deep water berths along the Delaware River for loading and exporting liquefied natural gas (LNG). LNG is formed when natural gas is chilled to -260°F, which causes it to change to a liquid that can be transported via specialty trains, trucks, or large ships. LNG is commonly used as an energy source. If exposed to the air, LNG becomes highly flammable and exposes people nearby to the risk of dangerous explosions. Natural gas and LNG combustion also results in greenhouse gas emissions, further exacerbating the current climate crisis.

DRBC should deny this project because Delaware River Partners LLC failed to disclose critical information regarding the handling and exporting of LNG to the public and in its permit applications. The company had applied for permits to load and export bulk liquids without disclosing that those liquids would be LNG. However, the US Army Corps of Engineers recently published a notice stating that LNG would be the bulk liquid that would be loaded and exported at the terminal. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments.

Constructing an LNG export terminal along the Delaware River will have major impacts on the river ecosystem and will discourage other uses of the river such as commercial and recreational fishing and water-related recreation. Dredging 665,000 cubic yards of river sediment for this project will also harm aquatic life including threatened and endangered species. The use and export of LNG encourages the burning of fracked gas, which is a key contributor to climate change. Though the basin currently has a moratorium on fracking, building this LNG plant would likely drive the extraction, transportation, and usage of more fracked gas from other parts of Pennsylvania. Comments are due today at 7PM!

[Click here to urge DRBC to deny this hazardous LNG export terminal!](#)

Please fill out the form linked above and copy and paste in this suggested comment in addition to any personal comments:

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration."

jonathan berger

I oppose the new dredging project at the DRP Gibbstown Logistics Center, a multi-use deep water seaport and international logistics center currently under development, located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, NJ. The new project consists of an additional dock/wharf containing two deep water berths, which will include the dredging of approximately 665,000 cubic yards of sediment from the Delaware River to a depth of 43 feet below mean lower low water (MLLW) elevation.

Judy Fairless

Protect the Delaware River and the environment from this potentially dangerous and environmentally unsound project. We need clean water not more development.

Judy Scriptunas

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Katharine Dodge

The permit for a LNG facility on the Delaware River should NOT be issued without complete environmental impact review that includes impacts on climate: the worst crisis in human history. Not only does the natural gas industry release major greenhouse gases such as methane, but LNG facilities pose risks of major explosions.

Ken Dolsky

This is a very dangerous project that will put us in jeopardy for many years to come. It is also economically foolish as renewable technologies will soon render this non-competitive and we will be stuck with the costs to get rid of this plant.

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Kenneth Cangin

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration



KEYSTONE+MOUNTAIN+LAKES REGIONAL COUNCIL OF CARPENTERS

June 7, 2019

To Whom it May Concern:

1803 Spring Garden Street
Philadelphia, PA 19130
Phone: 215.569.1634

91 Fieldcrest Avenue
Edison, NJ 08837
Phone: 732.417.9229

1718 Heilmandale Road
Lebanon, PA 17046
Phone: 717.273.3600

314 Pearl Street
Scranton, PA 18505
Phone: 570.347.5891

261 Patchway Road
Duncansville, PA 16635
Phone: 814.693.0315

1560 Kanawha Blvd. East
Charleston, WV 25311
Phone: 304.342.3004

8500 Pennsylvania Avenue
Upper Marlboro, MD 20772
Phone: 301.735.6660

609 Broadway Avenue
Bridgeport, WV 26330
Phone: 304.842.5431

On behalf of all the members of the Keystone Mountain Lakes Regional Council of Carpenters, I am writing today to express support for DOCKET NO. D-2017-0009-2 and urge approval for Delaware River Partners' request to complete a dredging and construction project along the Delaware River in order to expand the Gibbstown Logistics Center.

Since 1881, the United Brotherhood of Carpenters and Joiners of America have contributed to the industrial growth in communities across southern New Jersey and along the Delaware River. For the past century, the jobs we've completed have helped build the middle class and ensured the economy works for everyone. This project does just that.

The proposed port and logistics center will transform the vacant DuPont Repauno Works facility into a multi-use, deep-water seaport and international logistics center.

The construction of a second dock and expansion of the site will bring new life to this once-blighted facility while creating hundreds of good paying, union construction-related jobs and providing much needed tax revenue to the community.

This project is a win for the South Jersey community and its union workers. I urge you to grant approval.

Sincerely,

William C. Sproule
Executive Secretary-Treasurer

WCS:drg

Larry Seymour

The applicant's permit application should be denied in its present form. Given the apparent attempt to obfuscate the reality of exporting LNG, the applicant has demonstrated that it is not a trustworthy partner in the business of environmental protection. In short, do not invite the applicant to reapply.

Linda Maule

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration."

Thank you for working toward a cleaner environment.

Sincerely,
Linda Maule, Easton, PA 18045

Linda Zawrotniak

I oppose the request by Delaware River Partners for a new dredging project for the purpose of Liquid Natural Gas shipping. This creates an environmental and safety issue that impacts the people of Pennsylvania. This application has not been transparent as to the materials it will be shipping. The impacts to the Delaware River must be assessed differently when hazardous materials are involved. Short term profits for private companies are not in the best interest of the community. Long term consequences must be addressed before the granting of approvals to enrich a select few investors and owners.

Lisa Hallowell

Dear DRBC:

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Lise Bauman

It is irresponsible to be investing in infrastructure to support increased or even continued consumption of fossil fuels. The harm being done on a global scale makes any commitment to fossil fuel use untenable.

Louis Kyle

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration."

margo pellegrino

I would hope that the DRBC would deny this permit application. It seems like a complete and total rush job. In light of discovering this article from a progressive think group regarding an LNG explosion in the state of Washington, I can only assume, with this ill thought plan, as it's presented here, that we are witnessing more of the same. "HOW INDUSTRY AND REGULATORS KEPT PUBLIC IN THE DARK AFTER 2014 LNG EXPLOSION IN WASHINGTON Lax industry oversight and incomplete reporting leave us with questions still today"

<https://www.sightline.org/2016/02/08/how-industry-and-regulators-kept-public-in-the-dark-after-2014-lng-explosion-in-washington/>

The coordinates are incorrect for the latitude of the project, by 10 mins too less. The two sites approved for disposal are THE lowest sea level elevation of ALL the sites mentioned. Why wasn't the Mullica Hill site, at 30 ft elevation, chosen? Why those two on the Delaware, one--the Fort Mifflin site-is on the CONFLUENCE of the Schuyki (sp) and Delaware Rivers. BOTH sites are in FLOOD zones, as is the ENTIRE project.

The lack of appropriate "heads up" for this hearing was also as ludicrous as was the location, far from the towns that will be impacted. The people of Gibbstown and Paulsboro, already impacted by a vinyl chloride train derailment, should have been able to attend this meeting. But they only had a week. And it was during the day.

This entire rush-job application stinks. Why are you rushing? the people need to hear about this..this disaster is in their backyards, literally, especially when the Delaware floods and contaminated dredge spoils clog their roadways and threaten their water.

Please do not approve this.

Marian Shearer

Please delay granting permits until the company has fulfilled the proper permitting for LNG. It is too dangerous to operate a port for LNG without more preparation. And a new port will only encourage more "fracking" of natural gas, which has its own set of environmental and health problems.

Maritime Exchange for the Delaware River and Bay

Attached please find a letter from Dennis Rochford, President, Maritime Exchange for the Delaware River and Bay, in support of Delaware River Partners application.



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

John T. Reynolds, Chairman
Uwe Schulz, Vice Chairman
Robert A. Herb, Treasurer
Dennis Rochford, President
Lisa B. Himber, Vice President
A. Robert Degen, Esq., Secretary/Solicitor

June 4, 2019

Mr. David Kovach
Manager, Project Review
Delaware River Basin Commission
PO Box 7360
25 Cosey Road
West Trenton, NJ 08628-0360

RE: Delaware River Partners, LLC, D-2017-009-2

Dear Mr. Kovach:

This letter requests your support of Docket No. D-2017-0009-2 for the application of Delaware River Partners LLC, Gibbstown Logistics Center Dock 2, Greenwich Township, Gloucester County, New Jersey.

As information, the Maritime Exchange for the Delaware River and Bay is a nonprofit trade association and the leading advocate for port and related businesses in the tristate region. The Exchange mission is to protect and promote the Delaware River commercial maritime industry, and we accomplish this by sharing information critical to the timely movement of cargo through the ports and affecting positive policy change on the local and national levels. The Exchange ensures its members operate in the most positive economic climate possible.

The Repauno Port & Rail Terminal is formerly the home to a DuPont manufacturing and logistics facility. Redevelopment of the site into a multi-use facility for energy products, roll-on/roll-off, and bulk cargos is underway. This project has all the needed components to be successful while operating under the stringent watch of state and federal entities to ensure the safe transport and storage of the cargo in and out of the facility.

The Delaware River enjoys an array of industry up and down its banks, and the river itself is more than accustomed to the transport of many diverse cargo shipments. The Repauno proposal is similar in scope and no different than the decades-old and safe transport of cargo up and down the Delaware on a daily basis.

The Maritime Exchange supports this application, and we urge the Delaware River Basin Commission to act affirmatively and support it as well.

Sincerely,

Dennis Rochford
President

cc: Lisa Himber, Vice President

Mary Ann Leitch

DRBC should deny this project because Delaware River Partners LLC failed to disclose critical information regarding the handling and exporting of LNG to the public and in its permit applications. The company had applied for permits to load and export bulk liquids without disclosing that those liquids would be LNG. However, the US Army Corps of Engineers recently published a notice stating that LNG would be the bulk liquid that would be loaded and exported at the terminal. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments.

Constructing an LNG export terminal along the Delaware River will have major impacts on the river ecosystem and will discourage other uses of the river such as commercial and recreational fishing and water-related recreation. Dredging 665,000 cubic yards of river sediment for this project will also harm aquatic life including threatened and endangered species. The use and export of LNG encourages the burning of fracked gas, which is a key contributor to climate change. Though the basin currently has a moratorium on fracking, building this LNG plant would likely drive the extraction, transportation, and usage of more fracked gas from other parts of Pennsylvania.

Matt Gove

Please see our attached comments, thanks.



June 7, 2019

Steve Tambini, Executive Director
Delaware River Basin Commission
P.O. Box 7360, 25 Cosey Road
West Trenton, NJ 08628-0360.

RE: Permit for Delaware River Partners, LLC, D-2017-009-2 for Gibbstown Logistics Center

Dear Mr. Tambini,

The South Jersey Chapter of the Surfrider Foundation (Surfrider) submits these comments concerning the proposed Delaware River Partners (DRP) Gibbstown Logistics Center proposed project (Project).

Surfrider is a grassroots environmental organization dedicated to the protection and enjoyment of the ocean, waves, and beaches through a powerful activist network. We submit these comments on behalf of our 81 chapters, 86 youth clubs, and more than 500,000 supporters, activists, and members in the United States, including our local South Jersey and Delaware Chapters of the Surfrider Foundation.

Surfrider is very concerned about the negative impacts from the Project to the community, environment, and recreation opportunities in the South Jersey and Delaware River areas. We are also concerned about the negative impacts from climate change that this facility would exacerbate through increased infrastructure and use of fossil fuels. Lastly, we are very concerned about the apparent obfuscation of the true usage of the Project in official descriptions in permit applications and in public notifications.

OBFUSCATION IN PERMITS AND PUBLIC NOTIFICATION

Language used to describe the Project has been very misleading regarding Liquefied Natural Gas (LNG). In the application to DRBC, DRP states, “*Dock 1 is a multi-purpose one-ship deep-water berth capable of handling a variety of freight, including automobiles (roll-on/roll-off), non- containerized break bulk cargoes, bulk products, and liquids from either trucks or rail cars. Dock 2 is designed for the loading of bulk liquid products directly from railcar or truck onto ocean-going vessels for export and includes infrastructure for transloading operations.*”¹

This is similar to language used in many permit applications to NJDEP for the Project. For example, in an application to the NJDEP Division of Land Use Regulation for multiple permits in 2017, DRP describes the project as “*multi-use, deep-water port and logistics center, including a marine terminal for automobile import (roll-on/roll-off), parking lot for vehicles, processing facilities, perishables, non-containerized break bulk cargo handling, bulk-liquid and handling, and two warehouse buildings...*”² In another permit to the same agency for a Waterfront Development IP In-Water permit, DRP makes no mention of LNG or other uses.³

Conversely, in a letter from DRP to Greenwich Township, NJ, dated August 24, 2018, the uses are described differently, including the integral part about LNG transport, “*This marine terminal is planned to include uses such as an automobile import and processing facility, a bulk liquids storage and handling facility for the transfer of liquefied natural gas and other materials, as well as perishables and bulk cargo handling and logistics.*” Underline added.⁴

In a US Army Corps of Engineers (USACE) Section 404 Clean Water Act permit application the Project is described as such, “*The site will be designed to handle a multitude of products including, butane, isobutane, propane, liquefied natural gas (LNG) and ethane, as well as a variety of other liquid products. The site will be designed to transload various liquid products from truck and railcar to vessels.*” Underline added.⁵

¹ Delaware River Basin Commission. Docket No. D-2017-009-2 Delaware River Partners LLC Gibbstown Logistics Center Dock 2 Greenwich Township, Gloucester County, New Jersey. May 24, 2019. Available at: state.nj.us/drbc/library/documents/dockets/061219/2017-009-2draft.pdf

² NJDEP Division of Land Use Regulation. Multiple Permits. Approved August 3, 2017.

³ NJDEP Division of Land Use Regulation. Waterfront Development IP In-Water Permit #0807-16-0001.2WFD190001. Approved May 20, 2019.

⁴ Delaware River Partnership letter to Greenwich Township through attorney Shawn M. LaTourette of Gibbons PC, Newark, NJ. August 24, 2018.

⁵ USACE. Public Notice No. CENAP-OP-R-2016-0181-39. April 4, 2019. Available at: nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/Public-Notice-2016-0181-39-Updated.pdf

Additionally, DRP fail to acknowledge their apparent connection to a proposed natural gas liquefaction project in Wyalusing, PA operated by New Fortress Energy (NFE).⁶ NFE plans to truck their LNG 190 miles to Gibbstown where it will be loaded onto ships at the Project site.⁷ Transportation of LNG on trucks is very different from transportation of “bulk liquids” for communities along the trucking route.

Surfrider is very concerned that the true nature of the Project has not been related to the NJDEP, DRBC, and possibly other agencies. An examination of the impacts from the Project cannot be made without knowing what activities will occur at the Project site, especially concerning dangerous and volatile fossil fuel transport.

Surfrider has two volunteer chapters and one staff member located in New Jersey, as well as a volunteer chapter in Delaware. We are tied into many public interest groups within the State and communicate with them frequently. We have not heard of the proposed Project until today, June 7, 2019. Public participation, especially in large infrastructure projects like this one, is crucial to avoiding misconceptions, and is a public right.

ENVIRONMENTAL IMPACTS

Surfrider is concerned with a range of negative impacts from the Project on marine and riverine ecosystems, and requests a full National Environmental Policy Act (NEPA) review. The Project could potentially negatively impact: water quality, air quality, benthic habitat, marine mammals, other marine organisms like turtles, fish and plankton, birds, and underwater noise. None of the impacts listed consider the increased magnitude from a spill or explosion, despite numerous recorded LNG accidents.

The reliance of the Project on the trucking of LNG from another location also poses questions of localized air pollution and environmental justice. Various documents associated with the Project discuss a constant delivery of LNG to the facility. Such a logistical setup would lead to huge increases in local air pollution along the trucking route.

⁶ United States Securities and Exchange Commission. New Fortress Energy LLC. Registration No. 333-228339. January 14, 2019. Available at:

www.sec.gov/Archives/edgar/data/1749723/000114036119000862/s002392x10_s1a.htm

⁷ Delaware Online. Energy company says it's bringing LNG port to the Delaware River. March 2, 2019. Available at:

www.delawareonline.com/story/money/business/2019/03/02/new-fortress-energy-lng-port-delaware-river/2990003002/

RECREATION

The Project could also negatively impact a wide variety of riverine and marine recreation in the area, including, fishing, boating, hiking, wildlife viewing, swimming, photography, beach going, surfing, diving, kayaking, and stand up paddleboarding. Delaware and New Jersey's coastal economies and communities are dependent on the tourism and recreation industry. This Project would put that economy, as well as coastal communities' quality of life, in jeopardy.

Surfrider completed a study of non-fishing recreation in New Jersey and Delaware, finding wide and varied use of our coast, estuaries, and ocean. Our study found that the average New Jersey and Delaware visitor surveyed spends \$74 and \$47 per each coastal visit, respectively, a significant economic driver considering the millions of coastal visitors the region hosts each year.⁸ Additionally, the tourism and recreation industry along New Jersey's coastline is a huge economic driver, contributing \$3.9 billion in GDP and supporting 92,000 jobs each year. The same economy in Delaware supports \$848 million in GDP and 22,000 jobs each year⁹

CLIMATE CHANGE

There are many negative impacts to our communities, environment, and way of life from climate change. The Project would exacerbate those impacts by increasing fossil fuel infrastructure, which will lead to the increased burning of fossil fuels.

Natural gas is often referred to as a "cleaner" fossil fuel - there is nothing, however, clean about it. The process of obtaining natural gas alone has vast detrimental impacts to human health and the environment including the contamination of drinking water, marring forests and landscapes, degrading roads and highways, and releasing dangerous gasses that contribute to global warming.¹⁰

⁸ Surfrider Foundation. Mid-Atlantic Coastal & Ocean Recreation Study. 2014. Available at: d3583ivmhhw2le.cloudfront.net/images/uploads/publications/MidAtlanticCoastalandOceanRecreationStudyReport.pdf

⁹ National Ocean Economics Program. Ocean Economy Data. Available at: www.oceanconomics.org/market/ocean/oceanEcon.asp?ci=N

¹⁰ PennEnvironment Research & Policy Center. Who Pays the Cost of Fracking? Available at: pennenvironmentcenter.org/sites/environment/files/reports/Who%20Pays%20the%20Cost%20of%20Fracking.pdf

SAFETY

LNG is a flammable, volatile, and hazardous product with numerous examples of accidents and safety issues.¹¹ The added complexity of LNG truck transport only adds to the safety concerns for any communities along the trucking route and near the Project main facility. Additionally, the Project is located a few hundred feet from the main Delaware River shipping channel and any LNG ships would have to pass under the Commodore Barry, and Delaware Memorial bridges.

LNG facilities are a known terrorist target because of their volatility.¹² An accident could lead to a flammable vapor cloud. An LNG vapor cloud fire could burn its way back to the LNG spill where the vapors originated and would continue to burn as a pool fire. One government study put the hazard range for a vapor cloud up to more than one and a half miles.¹³

Please do not approve any permits for Delaware River Partners' Gibbstown Logistics Center. A much more detailed review of the true nature of the Center's activities is needed before the project can be approved. Additionally, the public needs to have a much greater opportunity to comment on this large infrastructure project.

Thank you for considering our comments.

Beth Kwart, Chair
South Jersey Chapter of the Surfrider Foundation
Chair@southjersey.surfrider.org

¹¹ Congressional Research Service. Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress. September 2003. Available at: www.au.af.mil/au/awc/awcgate/crs/rl32073.pdf

¹² Government Accountability Office. Report to Congressional Requesters, Maritime Security, Public Safety Consequences of a Terrorist Attack on a Tanker Carrying Liquefied Natural Gas Need Clarification. February 2007, Available at: www.gao.gov/new.items/d07316.pdf

¹³ Mike Hightower, et al. Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water. Sandia Report, Sandia National Laboratories. SAND2004-6258. Dec. 2004. Available at: prod-ng.sandia.gov/techlib-noauth/access-control.cgi/2004/046258.pdf

Matt Walker

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Michael DeLozier

I'm opposed to any new fossil fuel projects that do not help us to transition to renewable energy sources such as wind or solar energy. We don't have much time to make the transition. Let's do it now, and put this fossil fuel folly behind us.

Michael Drake

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Thank you for your consideration.

Mike Albar

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Thank you for your consideration.

Neil Beresin

Without the correct and appropriate environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting liquefied natural gas (LNG), I strongly urge DRBC to stop any consideration of this project!

The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Finally, this project will significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species.

Thank you,

Neil and Anna Beresin
531 Westview Street
Philadelphia, PA 19119

New Jersey Sierra Club

Delaware River Basin Commission
P.O. Box 7360, West Trenton,
NJ 08628-0360

June 7, 2019

Dear Commissioners,

We have serious concerns regarding Docket 2017-009-2. A port along the Delaware river where combustible fuel like liquid natural gas (LNG) is being transported and stored brings great danger to the region from potential spills and explosions. This is a complicated proposal that will have major safety implications for people living near the Delaware River, while threatening our public health and the environment. We ask the Delaware River Basin Commission to remove the docket from the June 12th agenda so the Commission and public can properly review the impacts the port will have on the Basin.

The construction of Dock 2 involves dredging approximately 665,000 cubic yards (cy) of sediment from the Delaware River. This will seriously impact the river because the site is a Superfund site and former DuPont explosives manufacturing site that is contaminated. Dredging will resuspend toxic chemicals into the river and surrounding communities. Any development on the site will have an impact on the cleanup as well.

The land use and waterfront change to build the port will have significantly negative impacts on the Delaware River, the coastal regions, the floodplain and flood hazard areas associated with the site, the River's communities and ecosystems as well as regional and local water supplies. The dock will be almost 4 acres and will hurt the shallows in the area, will stick out to the water and effect navigation. Sensitive ecosystems like wetlands along with endangered species like the Atlantic Sturgeon could also be impacted by the dock.

The residents living near the proposed LNG port are more at risk from a spill or explosion. The port would sit along the river near densely populated areas. This is very concerning because LNG is very volatile. A leak in the water will bring down the temperature down to -160 degrees Celsius and will cause a massive fireball, like what happened in Cleveland. There could be many thousands of people harmed or killed by any type of spill or explosion from a truck, or tanker, or storage tank. People will be living 200 feet from the facility. The results would be catastrophic.

Delaware River Partners (DRP), who are a subsidiary of New Fortress Energy, propose to bring 3.5 million gallons of LNG a day to the port from truck or rail, this is equivalent to 2 billion gallons of natural gas. These numbers can be greatly expanded if New Fortress gets an export license at 600 times the volume. The natural gas liquids that would be transported in, handled, stored and shipped out of the facility pose safety risks and the danger of exposure to hazardous contaminants for people in the region. The proposed transport of the natural gas liquids from shale gas regions, some in western Pennsylvanian, by rail and/or truck, can affect millions of people in communities exposed to the danger of transport on the rail, roadways and bridges that are expected to be used. There is also the concern that in the future it would lead to them wanting to bring in pipelines to transport more fossil fuels.

The proposed LNG port will have serious impacts on our clean energy goals and reductions of harmful air pollution. Methane has the potential to leak from trucks coming in or at the facility. Methane is 87 times more potent as a greenhouse gas than carbon dioxide and can cause major climate impacts, while adversely affecting public health, like causing childhood asthma attacks,

other respiratory ailments, and even premature death.

Bridge and river traffic would be greatly disrupted by this project. If New Fortress will be shipping these tankers in and out of the port, the state will have to close shipping traffic when these barges pass and we will need the National Guard to do that, as they do in Boston. We will have to close the Philadelphia airport and local airports too because these tankers are a homeland security risk. An LNG port in the Delaware will not only cause catastrophic damage to the river and surrounding area, but prompt more fracking, and more use of GHG's. We cannot have a real fracking ban in the Delaware River Basin if we put an LNG port in the middle of it.

This proposal is not just a small pier, this is a massive LNG port that will have major implications for the environment and public safety. New Fortress misrepresented their proposal and held back information. We believe they hid vital information and should not be able to go forward. These things need to be clearly stated in their application. The NJDEP recently suspended the project's Waterfront Development Permit on June 5th. DEP's decision is another reason why the DRBC should not rush to approve the LNG port proposal. It is critical that both agencies look at the impacts it will have on the Basin. We ask the DRBC to pull this proposal from the agenda next week.

If you have any questions please feel free to reach out at any time at 609-558-9100.

Sincerely,

Jeff Tittel, Director, NJ Sierra Club



NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618

TEL: [609] 656-7612 FAX: [609] 656-7618

www.SierraClub.org/NJ

Delaware River Basin Commission
P.O. Box 7360, West Trenton,
NJ 08628-0360

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Sincerely,

Jeff Tittel, Director, NJ Sierra Club

Nick Breinich

This is a short-sighted plan that will have environment impact you are likely being naive about. Please think about the downsides of this in a realistic way. Sadly money will likely win, but maybe not if you set the right course.

Pam Steckler

Protect the Delaware River Basin, the people of Pennsylvania and New Jersey, and All living things on Earth. DENY Delaware River Partners' application to dredge and develop in Greenwich NJ. We are in a Climate Crisis. Please say No to this dangerous project.

Pamela McAllister

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Patricia Danzon

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Please consider the long term effects of this project on local communities and the environment. Thank you for your consideration."

Paul Palla

Climate change is only getting worse. Humans need to stop all fossil fuel use ASAP. And that means no more infrastructure for it at all. PERIOD!

Paula Lynn

When the contents of the shipping material is not known, nor capacities or dangers, then they are not subjected to protecting workers or the public when the poison comes in contact with EVERYTHING and EVERYONE which it will. Without knowing contents, there will be no insurance backing it up, no regulations to prevent you ingesting these materials through food and water without knowing. Don't be a fool by allowing this to happen. Don't be part of the conspiracy to kill people with the poison they transport.

peter mayes

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Phyllis Davidson

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As someone who spent childhood summers swimming and canoeing in the Delaware River, I urge you not to permit any activity that will deprive others from this enjoyment. This proposed project will significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration."

Jonathan C. Kemmerley, President
Kevin L. Barrow, Secretary/Treasurer
Donald C. Hans, Jr., General Manager

Philadelphia (215) 465-8340
Accounting (215) 465-8362

**The Pilots' Association
for the
Bay & River Delaware**

800 S. Columbus Boulevard
Philadelphia, PA. 19147

June 6, 2019

We are writing in support of DOCKET NO. D-2017-0009-2 of the Delaware River Basin Commission.
Delaware River Partners LLC, Gibbstown Logistics Center Dock 2, Greenwich Township, Gloucester County,
New Jersey.

The Pilots' Association for the Bay and River Delaware is one of the oldest state pilot organizations in the nation, founded in 1896. We are a recognized world leader in the technology, training, and accountability of piloting. Following the attacks of September 11, 2001, substantial new efforts were made to protect the security of US ports and waterborne transportation. Our members are a critical component of these efforts – frequently the only US citizen aboard foreign vessels navigating in US waters, a state pilot is in a unique position to observe and report potential threats.

The Repauno Port & Rail Terminal is formerly the home to a DuPont manufacturing and logistics facility and is being redeveloped into a multi-use facility for energy products, roll-on/roll-off and bulk cargos. This project has all the needed components to be successful while operating under the stringent watch of state and federal entities that will ensure the safe transport and storage of the cargo in and out of the facility.

The Delaware River is lined with industrial development and the river itself is more than accustomed to the transport of many diverse cargo shipments. The project proposed at Repauno is in line with what has been transported safely up and down the river everyday for many decades.

We support this application, and urge the Delaware River Basin Commission to act affirmatively to support it as well.

Sincerely,



Jonathan C. Kemmerley
President
The Pilots' Association for the Bay and River Delaware

Richard Sweeney

Please see attached correspondence in support of Docket No. D-2017-0009-2.

Thank you.



International Association

OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS

Local Union No. 399

OFFICE PHONE: (856) 456-9323
FAX: (856) 456-8702
EMAIL: ironworkers399@gmail.com

409 CROWN POINT ROAD • POST OFFICE BOX 409 • WESTVILLE, NEW JERSEY 08093-0409

June, 2019

To Whom It May Concern:

I am writing today to express support for DOCKET NO. D-2017-0009-2 and urge approval for Delaware River Partners' request to complete a dredging and construction project along the Delaware River in order to expand the Gibbstown Logistics Center.

Ironworkers Local 399 is a mixed local providing skilled craftsmen in every discipline of the iron working trade. We strive to promote safe and positive work environments. Our members have worked throughout South Jersey, and up and down the Delaware River, for many years. Our members and their families support the towns that rely on access to the Delaware River to keep their economies moving, and this project is another one of them.

The proposed port and logistics center will transform the vacant DuPont Repauno Works Facility into a multi-use, deep-water seaport and international logistics center.

A second dock and rehabilitation of the site will revitalize this stagnant property, while creating hundreds of good paying, union construction-related jobs for ironworkers, while providing tax revenues to the community.

I urge you to grant approval to the request in front of you today.

Sincerely,

Richard M. Sweeney

RICHARD M. SWEENEY
PRESIDENT AND BUSINESS MANAGER

Robert Limouze

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you.

Roberta Camp

LNG is far too dangerous to be permitted as the liquid run through the proposed facility. Please deny or revoke the permit.

Robin Freisem

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Roger Desy

The Delaware River is more pristine the closer to its source in central NY State. It's a national treasure. Continued fracking near its banks - its watershed and groundwater sources - and now the cynically named Delaware River Partners seek to further contaminate and ruin it. Enough is enough. Enough destruction. Enough greed. Enough quick-profit shortsightedness. Enough willful blindness. Enough. Choose a smart conscience-driven available alternative.

Ronald Gulla

Time to fight the CORRUPTION and protect our environment and future.

Rosie Mae Henson

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Thank you for your consideration.

Russell Zerbo

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Sandra A Foehl

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Sandra Folzer

LNG is highly flammable and poisonous. It is a clear dangerous for all life in the vicinity.
We should be focusing on sustainable energy as fossil fuels are becoming bad risk investments.
Please say no to application for dredging project.

Sara Tompkins

Please reconsider the safety of the public in relation to the liquified natural gas proposal. Any accident will be tragic to our environment.

Sarah Thornton

Please stop the dredging project on the Delaware River in NJ

Sharon and Park Furlong

The exportation of this kind of material is not something we want to support in any way, shape or form. The entire industry and just about everything about it is venal, filthy, rife with greed and exploitative qualities. The planet is suffering and the creation of an export hub only locks us in to this industry and the expansion of that suffering. The health of the actual river water itself is at stake here, for one spill and the primary drinking source for millions is put at risk. How can this be allowed? Is there no red line beyond which a company is not allowed to go? Are we, the citizens, the humans who live with all of this dangerous and toxic development, are we counting for anything? Is our humanity to be seen here? We are not machines. We are already hurting with additional upper respiratory illnesses, asthma, cancer alleys, loss of any quality of life, and all in a state that actually has a Green Constitutional Amendment, Article 1, Section 27, that is supposed to guarantee our rights to Clean Air and water?? What awful irony. What a slap in our faces, a blow below our collective belts. This must cease. You cannot drink liquid natural gases, you cannot breathe it. don't allow the dredging and the building that would have to take place to allow it in. In fact, dredging can disturb the restoration of historically significant fish species that are listed as endangered and use these waters. We are tired of companies and entire industries dictating to us, the people who live here, how we live our lives and force adaptation to horrible circumstances that will kill us prematurely. Please use your authority to safeguard our precious Delaware River for now and for years to come. For us and for everybody.

Sharon Newman

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Shirley Bensetler

I totally disagree with this project.

Shoshana Osofsky

The Delaware River Partners, LLC, new dredging project at the DRP Gibbstown Logistics Center is not essential and would threaten the river and with pollution. Segregating this dock as if it were a standalone project is unconscionable. It deprives the public of essential information. If, it is true that this the first stage in a project to transport, store or process dangerous chemicals and explosive materials then I strongly object to the facility. The risks of serious health and environmental consequences are not worth any benefit to a handful of investors. Transparency and more information is needed on the purpose and uses intended for the dock/wharf and deep water berths. We in south Jersey rely on our aquifers which are already experiencing degradation from existing sources as well as saltwater intrusion. The additional stress on and risk to our drinking water is not acceptable. There can be no price tag put on our water.

No approval should be given especially without full disclosure of essential information about the nature and extent of the project.

Steve Sears

The dredging of this area to create the LNG Shipping scenario will stir up all that sediment that has year of collected settlement. That sediment is full of dangerous pollutants even arsenic. When you reflect on all the years of Pesticide pollution, you quickly recognize what's likely in sediment. What makes this situation even worse is the source of gas from Fracking which pollutes the whole area around the drilling process. Then there's the leaky pipelines and cargo contains necessary for delivering the compressed fracked Gas.

Consequently with the move toward Solar, Wind, & Ocean Energy will eliminate all of these levels of Pollution caused by Fracking to LNG.

Then there's the immediate need to reduce Climate Change which will reduce the LNG economic window of opportunity. When you complete the analysis of all these conditions, it's obvious that LNG is not a environment viable economic model!

Steven Denisevicz

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects.

Thank you for your consideration.

Susan Babbitt

DRBC should halt consideration of this project until it has the correct environmental and safety assessments and regulatory agency reviews, in accordance with the requirements for exporting LNG. The current permit applications don't provide proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

Susan Boland

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

This project will also significantly disrupt commercial and recreational fishing, water-related recreation, drinking water resources, and habitat for threatened and endangered species. Building this LNG plant would likely drive the extraction, transportation, and use of more fracked gas from other parts of Pennsylvania, driving the climate crisis and encouraging fossil fuel development at a time when we urgently need to stop building additional fossil fuel projects. We need to support new, cleaner, innovative energy projects that benefit us locally, protect our nature and resources from harming us and our flora and fauna. Let's make Delaware Valley a leader in promoting clean, green energy production and protections for our environment.

Thank you for your consideration."

Susan Gottfried

I strongly urge DRBC to stop this project.

Environmental and safety assessments and regulatory agency reviews have not been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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susanne Hewitt

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Thank you for your consideration."

Suzan Preksat

Why are we bringing liquified Natural Gas (LNG) to our beautiful Greenwich Township? This gas is highly explosive, especially in the liquid phase, when it's under high pressure. I oppose this project, and I'm looking forward to NJ transitioning to renewable energy such as wind and solar.

Tom Brown

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Tom Harris

We need to protect the environment and invest in clean, sustainable energy.

Tre Heptig

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for your consideration.

Valeri Fornagiel

I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Thank you for working toward a cleaner environment, and thank you for your consideration.

Wesley Merkle

I strongly urge the DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

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Will Fraser

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William Montgomery

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Either we will end up needing the gas here in the United States, or we won't. If we will need it, then we shouldn't export it. If we won't, then we shouldn't export it to help someone else to exacerbate the climate crisis, just for the sake of profits for legacy industries (like fossil fuel corporations).

Thank you for your consideration.

William Spadel

"I strongly urge DRBC to stop any consideration of this project until the correct environmental and safety assessments and regulatory agency reviews have been conducted in accordance with the requirements for exporting LNG. The current permit applications are not adequate to provide for proper oversight of an LNG export terminal. The Department of Energy and U.S. Army Corps of Engineers should not consider permits until Delaware River Partners accurately completes and submits all applications, including those for exporting LNG and environmental and safety assessments. It is against regulation for DRBC to advance this project without proper approvals from these federal agencies.

ATTACHMENT E

DOCKET NO. D-2017-009-2

DELAWARE RIVER BASIN COMMISSION

**Delaware River Partners LLC
Gibbstown Logistics Center Dock 2
Greenwich Township, Gloucester County, New Jersey**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 12, 2019 (“Application”), requesting approval of a new Delaware River dredging and deep-water berth construction project (the “Project”) at the docket holder’s previously approved Gibbstown Logistics Center (GLC). The New Jersey Department of Environmental Protection (NJDEP) on May 20, 2019 issued its Waterfront Development Individual Permit for the Project (0807-16-0001.2 WFD190001), which includes the Water Quality Certificate required by Section 401 of the federal Clean Water Act. At the time of consideration of this Application, pending approvals for the Project include the NJDEP Tidelands Licenses required for a fixed structure and dredging; the United States Army Corps of Engineers (USACE) Section 10/404 Individual Permit; and other local government approvals.

The application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Gloucester County Planning Board has been notified of pending action. A public hearing on the draft docket was held by the DRBC on June 6, 2019.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an additional dredging and deep-water berth construction project, referred to as “Dock 2,” at the docket holder’s previously approved GLC on the Delaware River. The GLC, which is currently under construction, is a multi-use marine terminal and international logistics center located at the former Repauno site (also formerly known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”) in Greenwich Township, Gloucester County, New Jersey. Previous DRBC, federal, state and local approvals for the GLC authorized Delaware River dredging and construction for the deep-water berth referred to as “Dock 1,” consisting of one-ship berth on a pile-supported wharf structure. Dock 2 will consist of an additional pile-supported wharf structure that accommodates two ship berths and associated infrastructure. The construction of Dock 2 involves dredging approximately 665,000 cubic yards (cy) of sediment from the Delaware River to a depth of 43 feet below (-43) mean lower low water (MLLW) to accommodate the two deep-water berths. The Project does not involve demolition of any existing in-water or landside structures.

2. Location. The Project is located at the former Chemours Repauno industrial site, 200 North Repauno Avenue in Greenwich Township, Gloucester County, New Jersey (also formerly

known as the “Chemours Repauno industrial site” and “DuPont Repauno Works”). The Project includes dredging and construction of deep-water berths at River Mile 86.5 in Water Quality Zone 4 of the Delaware River, as follows:

SITE	LATITUDE (N)	LONGITUDE (W)
Existing Dock 1	39° 50' 42"	75° 17' 45"
Proposed Dock 2	39° 50' 44"	75° 18' 29"

3. Project Area. The GLC marine terminal project, approved by DRBC Docket No. D-2017-009-1 on December 13, 2017, involves re-development of a 218-acre portion of the former 1630-acre Repauno industrial property in Greenwich Township, Gloucester County, New Jersey with a multi-use marine terminal and international logistics center. Docket No. D-2017-009-1 approved the construction of the marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). The instant Project consists of a second wharf (Dock 2), containing two deep-water ship berths, which will be located at Thompson’s Point, downriver (to the west) of Dock 1, at the location of a former barge pier.

For the purpose of defining the Project Area, the docket holder’s Application is incorporated herein by reference, consistent with conditions contained in the DECISION section of this docket.

4. Project Description. The previously approved GLC marine terminal project consists of Dock 1 and the adjacent landside logistics center and marine terminal facilities. Construction of Dock 1 was substantially completed in December 2018, and construction of the marine terminal facilities and logistics center is underway. Dock 1 is a multi-purpose one-ship deep-water berth capable of handling a variety of freight, including automobiles (roll-on/roll-off), non-containerized break bulk cargoes, bulk products, and liquids from either trucks or rail cars. The logistics center and marine terminal facilities include a parking lot for vehicles; facilities for processing, perishables handling, non-containerized break bulk cargo handling, and bulk-liquids and gases handling; two warehouse buildings; and a stormwater management system and associated infrastructure.

Dock 2 will consist of a wharf featuring two deep water berths to accommodate a range of ocean-going vessels of a maximum length of 966 feet and maximum draft of 39.7 feet. The project involves dredging of approximately 665,000 cy of Delaware River sediment (primarily silts and sands) in a 45-acre area to provide access to the Federal Navigation Channel of the Delaware River. Dock 2 is designed for the loading of bulk liquid products directly from railcar or truck onto ocean-going vessels for export and includes infrastructure for transloading operations. Dock 2 will support the transloading of a variety of bulk liquid products, including butane, isobutane, propane (collectively liquefied petroleum gas, or LPG), liquefied natural gas (LNG), and ethane. The products will arrive at the site via truck and/or railcar. Once at the site, the products will be transferred to vessels via on-site infrastructure. There will be no manufacturing of any bulk liquid products at the site. There will be no bulk storage of LNG at the site.

Additional details of the dredging and wharf/berth construction follow:

– **Dredging:** Approximately 665,000 cy of sediment over a 45-acre area will be dredged from the Delaware River in order to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of over draft. The dredging will allow the new marine terminal to access the Federal Navigation Channel (“Channel”). Current water depth in the area of the proposed dredging varies between -3 feet MLLW nearshore and -40 feet MLLW towards the Channel. Sediment within the dredge area consists of silt, some fine sand and trace gravel. The depth of sediment to be dredged ranges from 20 feet nearest the berths and less than one foot nearest the Channel. A sampling program has been implemented, and the resulting data were submitted with the Dredged Material Management Plan dated March 2019.

– **Wharf/Berth Structure Construction:** The Dock 2 wharf containing 2 berths will be located 650 feet from and run parallel to the Channel, and will consist of a trestle pier, 2 loading platforms (one for each berth), 8 breasting dolphins, 11 mooring dolphins, and walkways between platforms and dolphins. Each of the two berths is approximately 1,300 feet long. Connection to and access from the landside GLC terminal to the wharf and loading platforms will be provided by an approximately 32-foot wide trestle pier that extends from shore approximately 665 feet to where it connects with the wharf. This access trestle is designed to accommodate a one-lane vehicular roadway with adjacent pedestrian access, piping for bulk liquids transfer, and mechanical and electrical support systems. The structural footprint over the water is approximately 139,127 square feet (sf) in area.

Construction of Dock 2 will entail the installation of 519 steel piles, consisting of 24-inch, 30-inch, and 48-inch diameter piles, as follows: Each loading platform will be constructed on sixty 30-inch diameter by 3/4-inch wall steel pipe piles (120 total piles). The trestle will be supported by pile bents with a total of 210 24-inch diameter by 5/8-inch wall steel pipe piles over 50 bents (210 total piles). A 50-foot wide abutment will support the landing of the trestle above the mean high water line. A 230-foot long retaining wall will be constructed on either side of the abutment to provide additional structural support. The typical mooring dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles, while shared mooring dolphins will be constructed on fifteen 48-inch diameter by one-inch wall steel pipe piles (105 total piles). The breasting dolphins will be constructed on nine 48-inch diameter by one-inch wall steel pipe piles (72 total piles). Walkways between loading platforms, mooring dolphins, and breasting dolphins will be provided with four intermediate support systems; the foundation of each intermediate support will consist of three 24-inch diameter by 5/8-inch wall steel pipe piles (12 piles total).

– **Demolition:** Dock 2 will not involve demolition of any existing in-water structures, as no such structures have been identified.

5. Related Dockets. Docket No. D-2017-009-1, issued on December 13, 2017, approved the construction of the GLC’s marine terminal facilities and logistics center (under construction at the time of DRBC consideration of the Project) and the Dock 1 wharf, containing a one-ship deep-water berth (substantially complete). This Project consists of a second wharf (Dock 2),

containing two deep-water ship berths, which will be located at Thompson's Point, downriver (to the west) of Dock 1, at the location of a former barge pier. The former Dupont Repauno Works industrial facility included an industrial process wastewater treatment system, approved by DRBC Docket No. D-1973-150-1 on February 26, 1975, which was transferred to the Chemours Company on June 26, 2015. DRBC Docket No. D-1965-075-1, issued on September 13, 1965, approved the construction of an underground cavern for the storage of anhydrous ammonia at the former Dupont Repauno Works. The industrial operations, wastewater treatment facility, and storage of anhydrous ammonia at the Repauno site have been discontinued. Dupont's successor in interest, Chemours, currently operates a groundwater remediation withdrawal and treatment system on-site for the remediation of DuPont's former industrial operations. By letter dated September 27, 2016, DRBC's executive director approved the transfer of Docket No. D-1965-075-1 to DRP and authorized use of the existing underground cavern for the storage of liquified petroleum gas (LPG). Potable water supply for the GLC is to be provided by groundwater wells owned and operated by Greenwich Township in accordance with DRBC Docket No. D-1994-051 CP-2, issued on July 20, 2005. Sewage generated at the site will be directed to the Greenwich Township WWTP, which was approved by DRBC Docket No. D-1990-024 CP on January 16, 1991.

6. **Cost.** The total cost of the Dock 2 Project is estimated to be \$94,600,000.

B. FINDINGS

The docket holder applied for approval of its GLC Dock 2 Delaware River dredging and deep-water berth construction project, which involves dredging 665,000 cy of material from the Delaware River to a depth of 43 feet below (-43) MLLW to accommodate a new, pile-supported wharf structure and two new deep-water ship berths.

1. Dredging Procedures

- Approximately 665,000 cy of sediment (primarily silt, with some fine sand and trace gravel) will be dredged from the Delaware River over a 45-acre area to achieve a dredging depth of -43 feet MLLW, allowing and accounting for 2 feet of over draft. All sediments will be mechanically dredged using a closed clamshell environmental bucket. According to the docket holder's "Dredged Material Management Plan," dredging activities will follow these general procedures: Project Drawings will be prepared to define coordinates, dredging grades, and dredging depths for the dredge area.
- The vertical limits of the dredging will be established by achieving the required template depths. Each dredge will be equipped with real-time positioning and computer guidance, allowing the operator to know the location of the dredge and the bucket relative to the dredge cut.
- Hydrographic surveys will be conducted behind the dredges to monitor the finished cut and confirm that the dredges are digging to the permitted lines and grades of the Project Drawings.

- Dredging will utilize the best management practices (BMPs) set forth below to limit the potential for sediment resuspension and associated impacts on water quality and aquatic biota. using a closed clamshell environmental bucket to remove fine-grained sediments;
 - o controlling the rate of descent of the bucket to maximize the vertical cut it makes, while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e., not overfilling the bucket). The dredging contractor will use appropriate software and sensors to ensure consistent compliance with this condition;
 - o using an environmental clamshell equipped with sensors to ensure complete closure of the bucket before it is lifted through the water at a rate of two feet per second or less;
 - o controlling the “bite” of the bucket to: (a) minimize the total number of passes needed to dredge the required sediment volume and (b) minimize the loss of sediment due to extrusion through the bucket’s vents openings or hinge area;
 - o placing material deliberately in the barge to prevent spillage of material overboard;
 - o using barges or scows with solid hull construction or hulls sealed with concrete to transport sediments;
 - o discharging decant water only within the dredging area;
 - o holding decant water in the decant holding scow for a minimum of 24 hours after the last addition of water to the scow. This holding time may be reduced if it can be demonstrated that total suspended solids (TSS) meet the background concentrations of 30 parts per million based on three consecutive TSS analyses; and
 - o not dragging the dredge bucket along the sediment surface.

Sediments may be amended as necessary so that they can be transported by truck in compliance with Department of Transportation regulations and landfill requirements (e.g., soils must pass paint filter tests to demonstrate the absence of free liquids). Contaminated sediments will be disposed of at a permitted landfill or approved brownfield site. Uncontaminated sediment meeting the applicable acceptance criteria will be transported via barge to the White's Basin permitted confined disposal facility (CDF) or Fort Mifflin CDF, or other approved location. The docket holder expects that the dredged material will be managed at one or more of the following locations for which preliminary acceptance approvals were provided by the docket holder:

- Fort Mifflin CDF, Philadelphia, Pennsylvania;
- White's Basin, Logan Township, New Jersey;

The following other sites were also provided as potential disposal locations for which no preliminary acceptance approvals were provided:

- The former National Park Landfill, National Park, New Jersey; and/or

- Stags Leap Ranch Development (SLRD), Mullica Hill, New Jersey.

After selection of the receiving site, the need for amendment with Portland cement and the means of transportation (barge or truck) of the material will be determined.

The 665,000 cubic yards of dredged material to be removed from the berthing facility was sampled in accordance with an NJDEP approved Sediment Sampling and Analysis Plan (SSAP) dated December 24, 2018. The analytical results of the sediment sampling were submitted with the "Dredged Material Management Plan, DRP Gibbstown Logistics Center, - Dock 2 Gibbstown, NJ "(DMMP) dated March 2019. Special Condition 23. a. through d. included in the NJDEP Waterfront Development Permit is the Acceptable Use Determination for the 665,000 cy of material to be managed from this project. Special Condition 23. Specifies the following:

a. Sixty days prior to the initiation of dredging as authorized in this permit, the permittee shall schedule an on-site meeting with the NJDEP and designated contractor (s) performing the dredging, processing and placement of the material to finalize the dredging schedule, disposal and beneficial use site options.

b. Fort Mifflin CDF - Placement of the dredged material or processed dredged material from this project at the identified out-of-state placement sites is addressed in separate authorizations and approvals issued by the Pennsylvania Department of Environmental Protection and the owner/operator of the site.

c. Whites Rehandling Basin — Placement of the dredged material from this project shall comply with the conditions specified in the Weeks Marine Waterfront Development Permit In-Water, Water Quality Certificate and Acceptable Use Determination (DEP File #0809-08-0010.1 LUP190001 and CDT180001)

d. If the permittee proposes to place the dredged material from this project at a location different from that approved in this permit, written authorization in the form of a minor or major technical modification must be obtained from the Department prior to the transport of any dredged material to the alternative placement location.

In accordance with Condition C.1, the docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to an alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

2. Wharf/Berth Construction Procedures

As described above, the construction of Dock 2 will entail the installation of a total of 519 steel piles. The majority of the construction of Dock 2 will be performed using marine-based (in-water) equipment, including barge-mounted cranes, barge-based pile driving rigs, and

waterborne material deliveries. The proposed landside structures, including a 50-foot wide abutment and 230-foot long retaining wall) will be constructed using land-based equipment, with truck material deliveries. The steel piles are proposed to be installed by impact hammer driving through the river bottom strata (silts and sands) into the harder underlying weathered rock layer.

To protect water quality and aquatic life, measures to be employed for all construction activities shall include:

- use of in-place sediment control devices, turbidity curtains, booms, tarpaulins, floats, staging, and other devices as necessary to prevent materials from entering the water and leaving the immediate vicinity of the proposed construction;
- use of effluent discharge control to prevent entry into the Delaware River of any and all materials (e.g., oils, fluids, concrete, wash water, and other impurities) used on the construction site;
- minimal manipulation of piling, pile spuds, and other potential bottom disturbing activities; and
- deployment of a “bubble curtain” as needed during water-based pile driving activities.

The quality of Basin waters shall be maintained in a safe and satisfactory condition for wildlife, fish and other aquatic life. USACE is currently in consultation with the National Marine Fisheries Service (NMFS) concerning two threatened and endangered sturgeon species, and the critical habitat for the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*). NMFS has yet to render its biological opinion of the project, but it is a prerequisite to the USACE’s issuance of a permit for the project.

3. Permits

The following table (**TABLE B-1**) lists the application submittal dates and the status of the permits and approvals required for the Project, including the NJDEP Waterfront Development Individual Permit and Water Quality Certificate, the USACE Section 10/404 Individual Permit, and other local, state and federal permits:

TABLE B-1: Project Permits/Approvals

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
NJDEP Waterfront Development Individual Permit and Water Quality Certificate	3/1/2019	Suspended*
NJDEP Tidelands License (Dredging)	3/1/2019	Pending
NJDEP Tidelands License (Fixed Structure)	3/1/2019	Pending
USACE Jurisdictional Determination	2/18/16	7/5/16
USACE Section 10/404 Individual Permit	3/1/2019	Pending
Gloucester County Site Plan Approval	Pending	Pending

PERMIT TYPE/NUMBER	APPLICATION SUBMISSION DATE	STATUS/ISSUANCE DATE
Greenwich Township Site Plan Approval	Pending	Pending
Gloucester County Soil Conservation District Plan Certification	Pending	Pending
US Coast Guard Letter of Recommendation (for operations)	Future	Future

*The Waterfront Development Individual Permit issued for the Project by the New Jersey Department of Environmental Protection on May 20, 2019 was suspended on June 5, 2019, due to a procedural error. The permit may be reissued once the error is remedied.

C. DECISION

Effective on the approval date for Docket No. D-2017-009-2 below, the Project and facilities described in Section A “DESCRIPTION” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall provide to the DRBC the application to NJDEP for written authorization to place dredge material at any site other than Whites Rehandling Basin or the Fort Mifflin CDF prior to the transport of any dredged material to the alternative placement location. The docket holder shall also provide to the DRBC the written authorization from NJDEP approving the placement of dredge material at any alternate placement location not authorized in the Waterfront Development Permit.

Other Conditions

2. To minimize impacts to migration and spawning of anadromous fish, any and all in-water work or sediment generating disturbances are prohibited during the period commencing on March 15 and continuing through June 30 of each year.

3. Sound practices of excavation, backfill and re-seeding shall be followed to minimize erosion and deposition of sediment in streams.

4. Within 10 days of the date that construction of the Project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

5. Upon completion of construction of the approved Project, the docket holder shall submit a statement to the DRBC, signed by the docket holder's engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved Project and the date the Project is placed into operation.

6. Dredging and dredge spoil management shall be conducted in accordance with the practices described in Section B.1 of this docket, and wharf/berth construction shall be performed in accordance with the practices described in Section B.2. If in the view of the Executive Director of the DRBC the dredging, dredge spoil management, and/or wharf/berth

construction operations are at any time being conducted in a manner contrary to that described in Sections B.1. and 2. of this approval, or such that these operations are otherwise adversely affecting water quality or impeding the passage of anadromous fish, the Executive Director may direct that these operations be suspended, and the docket holder may be subject to enforcement action.

7. Construction and operation of the facility shall be operated at all times to comply with the requirements of this docket approval and the Commission's WQR.

8. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

9. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

10. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (*see* 18 CFR 401.43).

11. This approval is transferable by request to the DRBC Executive Director, provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and accompanied by the appropriate fee (*see* 18 CFR 401.43).

12. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (*see* 18 CFR 401.43).

13. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

14. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

15. The Commission reserves the right to open this docket at any time, and to reconsider its decision and any and all conditions imposed hereunder in light of further information developed by, or decisions rendered in, pending or future proceedings conducted by DRBC member state and federal agencies concerning the development and operation of the GLC Dock 2 and related facilities.

**BY THE COMMISSION
APPROVAL DATE: June 12, 2019**