

thUNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

WWALS Watershed Coalition, Inc., )  
LEAD Agency, Inc., )  
Kissimmee Waterkeeper, )  
Our Santa Fe River, )  
Center for a Sustainable Coast, )  
Three Rivers Waterkeeper, and )  
Lumber Riverkeeper )

Docket No. RM22-21-000

**RESPONSE TO OPPOSITION COMMENTS OF PIVOTAL LNG, LLC,  
by WWALS Watershed Coalition, Inc., LEAD Agency, Inc.,  
Kissimmee Waterkeeper, Lake Worth Waterkeeper, Peace+Myakka Waterkeeper,  
Collier County Waterkeeper, Three Rivers Waterkeepers, and Food and Water Watch**

On September 20, 2022, Pivotal LNG, LLC<sup>1</sup> (“Pivotal LNG”) filed comments in opposition to the Petition by WWALS Watershed Coalition, Inc. (“WWALS”), et al., to the Federal Energy Regulatory Commission (“FERC”) for Rulemaking on oversight of small-scale inland liquefied natural gas (“LNG”) export facilities (the “Petition”). WWALS hereby submits these comments in response.

Commission regulations prohibit answers to an answer unless otherwise authorized [18 CFR § 385.213(a)(2)]. But the Commission generally accepts answers when they provide information that assists its decision-making process. We ask the Commission to permit this answer.

The Pivotal LNG opposition comments mostly rehashed previous FERC decisions without mentioning new evidence and developments, which WWALS, et. al. supplies in this rebuttal. Consequently, for the reasons explained below, FERC should accept and implement the petition.

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<sup>1</sup> Motion to Intervene and Comments of Pivotal LNG, LLC under RM22-21, FERC Accession Number 20220920-5101, September 20, 2022, [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20220920-5101](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220920-5101)

## Table of Contents

<b>I. PHMSA JURISDICTION: DEVELOPERS SKIRTING FEDERAL REGULATIONS</b>	<b>3</b>
<b>II. LNG INDUSTRY ENJOYS EXCELLENT SAFETY RECORD UNTIL IT DOESN'T...</b>	<b>5</b>
<b>III. ENVIRONMENTAL REVIEWS DO NOT OCCUR</b>	<b>6</b>
<b>IV. THE COMMISSION DOES NOT ADDRESS JURISDICTIONAL QUESTIONS ON A CASE-BY-CASE BASIS FOR SMALL-SCALE INLAND LNG EXPORT FACILITIES.</b>	<b>10</b>
<b>V. FERC HAS NO MANDATE FOR DEVELOPERS TO FILE PETITIONS FOR DECLARATORY ORDER</b>	<b>11</b>
<b>VI. FERC DOES REVISIT LONGSTANDING PRECEDENT.</b>	<b>12</b>
<b>VII. CONCLUSION: FERC SHOULD ISSUE A NOPR</b>	<b>13</b>

## I. PHMSA JURISDICTION: DEVELOPERS SKIRTING FEDERAL REGULATIONS

From Pivotal III.A.1: *“As the Commission explained in addressing its jurisdiction over Pivotal LNG’s facilities, safety concerns are subject to the jurisdiction of the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”).”*

Response: The U. S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”) cannot perform the required safety analyses if PHMSA can be skirted by a developer.

**Example: NFEnergia, San Juan Harbor.** No review under CFR Title 49, Subpart B, Part 193 was performed by PHMSA prior to commencement of Operations and PHMSA had not issued an operational identifier (“OPID”) to this facility.

### Timeline:

1. Facility came online in March, 2020.<sup>2</sup>

2. **Question** to PHMSA via email on July 28, 2020: “I presume that PHMSA has not performed the required analyses to satisfy CFR Title 49, Part 193, for this facility.”

**Answer** from PHMSA on July 29, 2020: “At this time, PHMSA has not performed a subpart B review.”

3. **Question** to PHMSA via email on July 26, 2020: “I am looking for the OPID number for an LNG handling facility that **NFEnergía, LLC (“NFE”)** constructed on an existing wharf in San Juan Harbor, Puerto Rico, but I can't seem to find the link to the National Registry of LNG Operators.”

**Answer** from PHMSA on July 28, 2020: “I have inquired and at this time, PHMSA does not have an OPID for an LNG handling facility under NFEnergia, LLC constructed in San Juan Harbor, Puerto Rico.”<sup>3</sup>

- **CFR Title 49, Subtitle B, Part 193, § 193.2051 Scope:**<sup>4</sup> “Each LNG facility designed, constructed, replaced, relocated or significantly altered after March 31, 2000, must be provided with siting

<sup>2</sup> FERC’s expected jurisdiction claim over Puerto Rico LNG terminal could impact PREPA gas plant, renewables plans, Robert Walton, Utility Dive, March 16, 2021, <https://www.utilitydive.com/news/fercs-expected-jurisdiction-claim-over-puerto-rico-lng-terminal-could-imp/596749/>

<sup>3</sup> PHMSA responses were provided via email from Meredith “Buddy” Secor, Engineering Operations Supervisor, Department of Transportation Pipeline & Hazardous Materials Safety Administration Office of Pipeline Safety, P(202) 366-2415, Email [meredith.secor@dot.gov](mailto:meredith.secor@dot.gov).

<sup>4</sup> CFR [Title 49](#), Subtitle B, [Part 193](#), § 193.2051 Scope.  
<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-193/subpart-B/section-193.2051>

requirements in accordance with the requirements of this part and NFPA 59A. In the event of a conflict between this part and NFPA-59A-2001, this part prevails.” That includes such things as delineating Exclusion Zones for Thermal Radiation Protection (Part 193.2057)<sup>5</sup> and Flammable Vapor-Gas Dispersion Protection (Part 193.2059).<sup>6</sup>

- **OPID (Operator Identification Number)** requirements under Title 49 of the Code of Federal Regulations (49 CFR)<sup>7, 8</sup>, emphasis in the original: “The Operator Registry Notification is used by operators to report certain asset-changing or program-changing events associated with pipelines, pipeline facilities, or LNG facilities included under an OPID.

“Each operator of a gas or hazardous liquid pipeline, or pipeline facility, or LNG plant or LNG facility is required to submit notification of specified events to PHMSA in accordance with §191.22(c) or §195.64(c). When a specified event involves more than one operator (for example, when one operator acquires a pipeline system which was divested by another operator), all operators involved are required to submit a notification separately reflecting the event. Operators must submit notification either 60 days (or more) before the planned occurrence or 60 days (or less) after the occurrence, as specified in these regulations.”

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<sup>5</sup> CFR [Title 49](#), Subtitle B, [Part 193](#), § 193.2057 Thermal radiation protection, accessed September 29, 2022.  
<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-193/subpart-B/section-193.2057>

<sup>6</sup> CFR [Title 49](#), Subtitle B, [Part 193](#), § 193.2059 Flammable vapor-gas dispersion protection, accessed September 29, 2022.  
<https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-D/part-193/subpart-B/section-193.2059>

<sup>7</sup> INSTRUCTIONS FOR FORM PHMSA F 1000.2 (Rev. 12-2011) OPERATOR REGISTRY NOTIFICATION, PHMSA, accessed September 29, 2022.

[https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/National\\_Registry\\_Notification\\_Instructions\\_PHMSA%20F%201000.2\\_2012%20through%204-2015.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/National_Registry_Notification_Instructions_PHMSA%20F%201000.2_2012%20through%204-2015.pdf)

<sup>8</sup> Instructions (rev 5-2015) for Form PHMSA F 1000.1 (rev 5-2015) OPID ASSIGNMENT REQUEST, PHMSA, accessed September 29, 2022.  
[https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/OpID\\_Assignment\\_Instructions\\_PHMSA%20F%201000.1\\_5-2015%20and%20Beyond.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/OpID_Assignment_Instructions_PHMSA%20F%201000.1_5-2015%20and%20Beyond.pdf)

## II. LNG INDUSTRY ENJOYS EXCELLENT SAFETY RECORD UNTIL IT DOESN'T...

From Pivotal III.A.1: *“Petitioners do not point to actual incidents that have occurred or any concrete risks associated with small-scale LNG facilities. In fact, the LNG industry has an excellent safety record.”*

Response: LNG facilities have excellent safety records until they don't. “The explosion and fire in Texas last week that shut down about one-fifth of the country's liquefied natural gas export capacity wasn't the first time flames have bedeviled the Freeport LNG facility.”<sup>9</sup>

Case in point: March 31, 2014, explosion at Williams LNG peak-shaving facility in Plymouth, Washington.<sup>10</sup> In May of 2016, “at DOT's headquarters in Washington, D.C., the agency's Pipeline and Hazardous Materials Safety Administration (PHMSA) hosted an in-depth discussion of what went wrong during a March 2014 explosion at an LNG facility in Plymouth, Wash., that led to five injuries and \$72 million in property damage ([EnergyWire](#), May 6).”<sup>11</sup>

Quoting Dr. Jerry Havens, Director of the University of Arkansas Chemical Hazards Research Center, in testimony concerning **Sound Energy Solutions, FERC Docket Nos. CP04-58-000, et al**, Long Beach LNG Import Project, POLB Application No. HDP 03-079 Draft Environmental Impact Statement/Environmental Impact Report: “Notwithstanding the advancements in science and technology, human error is still a possible cause of an accident at an LNG import terminal or elsewhere. Havens Supp. at 24-26. Indeed, on September 14, 2005, due to human error, a 10,000-gallon LNG tanker truck leaked LNG at Fernley, Nevada. After the LNG vapor ignited into an intense fire, people within a mile were evacuated, and the responding fire departments were moved back several times, finally staging approximately one mile from the scene. By way of comparison, just a 10-minute spill from a ship unloading line at SES's proposed LNG import terminal could cause a spill of 550,310 gallons of LNG (DEIS/EIR 4-138), which is more than 55 times the entire content of the LNG tanker truck in the Fernley, Nevada fire.”

FERC disclaimed jurisdiction over small-scale inland LNG export facilities that are producing 10 times the amount of LNG involved in the Fernley, Nevada, truck incident, and they are storing over 27 times the amount of LNG. To

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<sup>9</sup> “LNG plant had history of safety issues before explosion,” Mike Soraghan, Mike Lee, Carlos Anchondo, Energywire, June 15, 2022, <https://www.eenews.net/articles/lng-plant-had-history-of-safety-issues-before-explosion/>

<sup>10</sup> Failure Investigation Report – Liquefied Natural Gas (LNG) Peak Shaving Plant, Plymouth, Washington, PHMSA, accessed September 29, 2022, [https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/FIR\\_and\\_APPENDICES\\_PHMSA\\_WUTC\\_Williams\\_Plymouth\\_2016\\_04\\_28\\_REDACTED.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/FIR_and_APPENDICES_PHMSA_WUTC_Williams_Plymouth_2016_04_28_REDACTED.pdf)

<sup>11</sup> “Explosive LNG issues grab PHMSA's attention,” Jenny Mandel, EnergyWire, June 7, 2016, <https://www.eenews.net/articles/explosive-lng-issues-grab-phmsas-attention/>

exacerbate the problem, there are no Draft Environmental Impact Statements for inland LNG export facilities while the danger to densely populated neighborhoods from a fire or explosion at the facility still exists. The public must be involved in any approval process for an inland LNG export project, but without a lead federal agency, such as FERC, citizens are excluded from the process.

FERC is well versed in the dangers of LNG. The Commission understands that failure of an LNG facility can result in loss of life and significant environmental and economic consequences. See for example [Federal Energy Regulatory Commission - Strategic Plan FY 2014–2018 March 2014](#).<sup>12</sup> **“Failure of an LNG facility or a non-federal hydropower project can result in loss of life and significant environmental and economic consequences.”**

### III. ENVIRONMENTAL REVIEWS DO NOT OCCUR

From Pivotal III.A.1: *“As the Commission explained in orders disclaiming jurisdiction over small-scale LNG facilities, the lack of Commission-led environmental review does not mean environmental review does not occur. Rather, transportation and storage of LNG “is subject to regulations and requirements of the U.S. Environmental Protection Agency under its various enabling statutes, including the Clean Water Act, Clean Air Act, and the Hazardous Materials Transportation Act.” In addition to these federal permitting requirements, small-scale LNG facilities are subject to state and local permitting requirements.”*

Response: EPA’s actual role in the LNG Project Approval and Environmental Review Process requires FERC involvement (slightly paraphrased) from EPA’s Figure 1:<sup>13</sup>

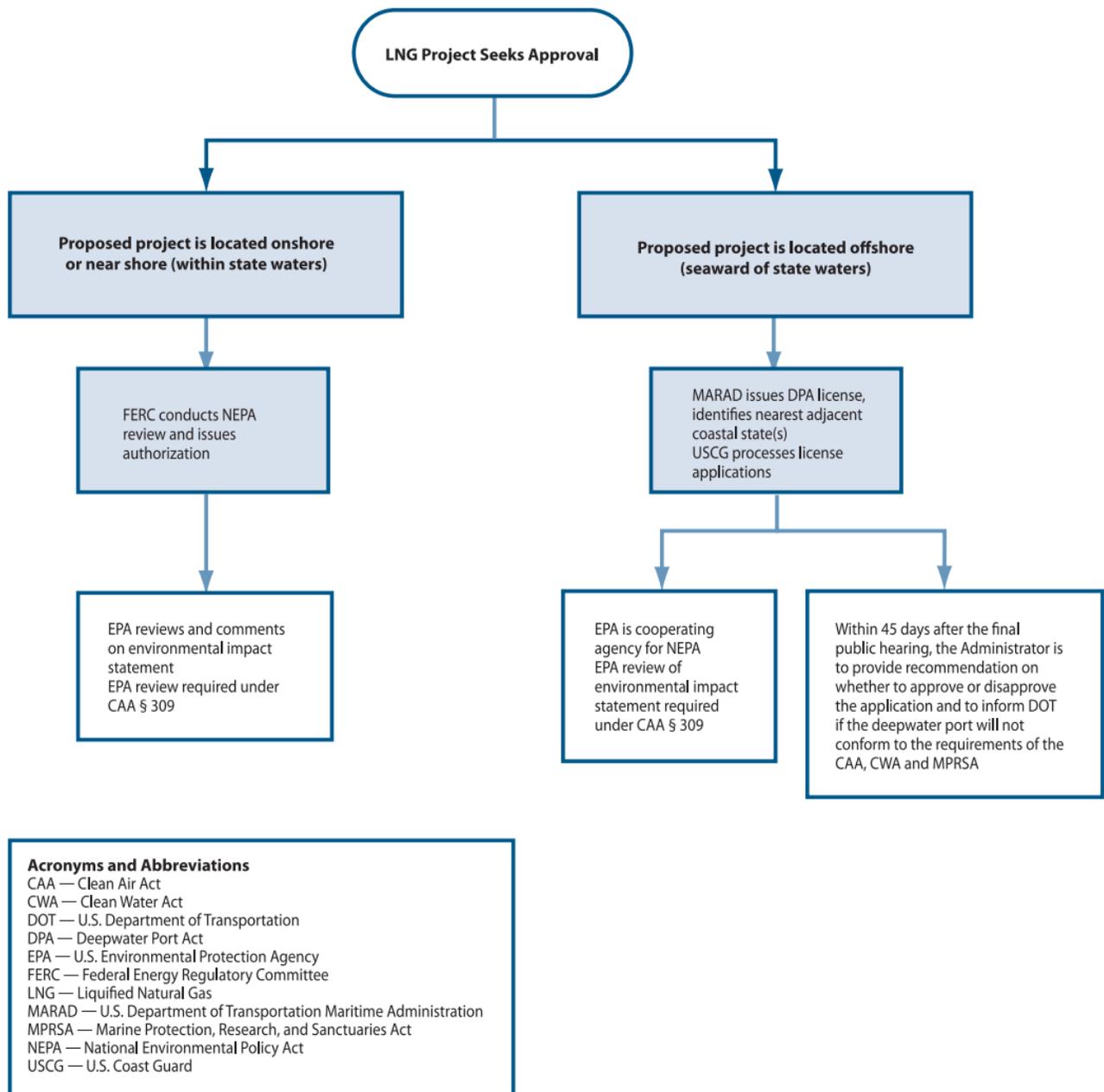
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<sup>12</sup> [Federal Energy Regulatory Commission - Strategic Plan FY 2014–2018 March 2014](https://www.ferc.gov/sites/default/files/2020-06/FY-2014-FY-2018-strat-plan.pdf), FY 2014-2018, Accessed September 29, 2022, <https://www.ferc.gov/sites/default/files/2020-06/FY-2014-FY-2018-strat-plan.pdf>

<sup>13</sup> Figure 1 on page iii, EPA’s Liquified Natural Gas Regulatory Roadmap, EPA, November 2006, #EPA-230-B-06-001, [https://www.epa.gov/sites/default/files/2015-08/documents/lng\\_regulatory\\_roadmap.pdf](https://www.epa.gov/sites/default/files/2015-08/documents/lng_regulatory_roadmap.pdf)

# EPA's Role in the LNG Project Approval and Environmental Review Process

Figure 1



## FOR PROPOSED PROJECTS LOCATED ONSHORE OR NEAR SHORE (WITHIN STATE WATERS):

1. FERC conducts National Environmental Policy Act (“NEPA”) review and issues authorization;
2. EPA reviews and comments on Environmental Impact Statement. EPA review is required under Clean Air Act (“CAA”) Sec. 309.<sup>14</sup>

## FOR PROJECTS LOCATED OFFSHORE (SEAWARD OF STATE WATERS):

<sup>14</sup> EPA Review Process under Section 309 of the Clean Air Act, EPA, Accessed September 29, 2022, <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>

1. U.S. Department of Transportation Maritime Administration (“MARAD”) issues Deepwater Port Application (“DPA”) license and identifies nearest adjacent coastal state(s).<sup>15</sup> U.S. Coast Guard (“USCG”) processes license applications.
2. EPA is cooperating agency for NEPA. Review of Environmental Impact Statement is required under CAA Sec. 309.
3. Within 45 days after the final license application public hearing, the EPA Administrator is to provide recommendation on whether to approve or disapprove the application and to inform Transportation Secretary if the deepwater port will not conform to the requirements of the CAA, Clean Water Act (“CWA”), and Marine Protection, Research, and Sanctuaries Act (“MPRSA”).

The process for proposed projects located onshore or near shore (within state waters) begins with FERC. According to EPA (emphasis added):

*Onshore Projects and Projects in State Waters*<sup>16</sup>

*Under the Natural Gas Act (NGA) 15 U.S.C. § 717 et seq., the Federal Energy Regulatory Commission (FERC) has jurisdiction over the siting, construction and operation of facilities used to transport natural gas in interstate commerce and of facilities used for the export or import of natural gas, which includes LNG projects onshore and in state waters. FERC also has jurisdiction over the pipeline portion of a deepwater port that is located landward of the LNG Roadmap Technical Appendix high water mark and over interconnecting facilities, which are not part of the deepwater port.<sup>17</sup> **With respect to approvals of these projects, the Energy Policy Act of 2005 designated FERC as the lead agency for purposes of coordinating all applicable federal authorizations and for the purposes of complying with NEPA. Under this authority, FERC establishes the schedule for all Federal authorizations, sets deadlines, and maintains a complete consolidated record of all administrative decisions made with respect to any federal authorization.**<sup>18</sup>*

<sup>17</sup> See 33 U.S.C. 150(b)(9)(C).

<sup>18</sup> Energy Policy Act of 2005, Pub. L. No. 109-58 Sec. 313 which amended 15 U.S.C. 717 n.

*LNG project applicants must comply with FERC’s pre-filing procedures. 15 U.S.C. §717(b) 1(a) & 18 C.F.R.*

*157.21(a). This pre-filing process involves agencies working together to develop a single NEPA document to*

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<sup>15</sup> Licensing Process, U.S. Department of Transportation Maritime Administration, Accessed September 29, 2022, <https://www.maritime.dot.gov/ports/deepwater-ports-and-licensing/licensing-process>

<sup>16</sup> Onshore Projects and Projects in State Waters, Page 4, EPA’s Liquefied Natural Gas Regulatory Roadmap, EPA, November 2006, #EPA-230-B-06-001, [https://www.epa.gov/sites/default/files/2015-08/documents/lng\\_regulatory\\_roadmap.pdf](https://www.epa.gov/sites/default/files/2015-08/documents/lng_regulatory_roadmap.pdf)

address each agency's requirements.<sup>19</sup> FERC's NEPA regulations require applicants to "[c]onsult with the appropriate Federal, regional, State and local agencies during the planning stages of the proposed action to ensure that all potential environmental impacts are identified" and to "submit applications for all Federal and State approvals as early as possible in the planning process." 18 C.F.R. 380(b)(3)&(4). This would include applicable EPA permits.

<sup>19</sup> For more information on the FERC pre-filing process see [ferc.gov/help/processes/flow/lng-1.asp](http://ferc.gov/help/processes/flow/lng-1.asp)

Once an application has been filed, FERC prepares either an environmental assessment (EA) or an EIS to fulfill its obligations under NEPA. When appropriate, EPA can serve as a cooperating agency to assist FERC in the preparation of an EA or EIS. When FERC prepares an EIS, EPA reviews and comments on the document as part of EPA's responsibility under section 309 of the CAA.

Unlike deepwater ports, onshore projects are not considered "new sources" under the CWA. Therefore, under CWA section 511(c), the issuance of any required NPDES permit is exempt from NEPA's EIS requirement.

Onshore does not mean just next to the seashore. Here is EPA's definition:<sup>17</sup> "Onshore natural gas transmission compression means all compressors that move natural gas at elevated pressure from production fields or natural gas processing facilities in transmission pipelines to natural gas distribution pipelines or into storage." Storage includes tanker trucks and rail tankers.

Without FERC as the lead agency, the other federal agencies are in disarray. For small-scale inland LNG facilities, because FERC has disclaimed involvement, there are no NEPA reviews; no Environmental Impact Statements; no DPA licenses; no USCG processing of license applications; no recommendations as to deepwater port conforming to the requirements of the CAA, CWA, and MPRSA. Further, there are no state and local permitting requirements for LNG export facilities in the state of Florida.

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<sup>17</sup> CFR 40, Chapter I, Subchapter C, Part 98, Subpart W, Petroleum and Natural Gas Systems, §98.230 Definitions of the source categories for industry segments, (a)(4) Onshore natural gas transmission compression, accessed September 29, 2022, <https://www3.epa.gov/carbon-footprint-calculator/tool/definitions/petro-natgas-systems.html>  
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-98/subpart-W>

#### IV. THE COMMISSION DOES NOT ADDRESS JURISDICTIONAL QUESTIONS ON A CASE-BY-CASE BASIS FOR SMALL-SCALE INLAND LNG EXPORT FACILITIES.

From Pivotal III.B: *“To the extent the Commission believes it should exercise jurisdiction over any LNG facilities operating beyond this boundary, it should maintain its longstanding approach of addressing jurisdictional questions on a case-by-case basis. The recent order to show cause and assertion of jurisdiction over New Fortress Energy LLC’s Port of San Juan facility is a good example of orderly implementation of this practice.”*

Response: The New Fortress Energy LLC’s Port of San Juan facility is actually a great example that makes the case for the Petitioners. We couldn’t have a better example to demonstrate why this proposed Rulemaking is needed. We agree that FERC should be reviewing proposed LNG export projects on a case-by-case basis, but without a mandate requiring developers to file a Petition for Declaratory Order, it is easier for them to beg forgiveness than ask permission.

What happened in San Juan? In a March 10, 2020, letter to FERC,<sup>18</sup> thousands of concerned citizens from “Faith Groups” (a community of Christian churches in the San Juan area) wrote: “The purpose of this letter is to request your urgent intervention and exercise of jurisdiction in relation to the on-going construction and proposed operation of a natural gas (LNG) terminal in the Bay of San Juan by New Fortress Energy LLC (NFE).”

On July 31, 2020, numerous organizations filed a “Joint Protest and Motion to Intervene of Comité Pro Seguridad y el Ambiente del Barrio Sabana, et. al. under CP20-466”,<sup>19</sup> which reads on page 20: “By failing to seek FERC authorization prior to the construction of the LNG Terminal, New Fortress Energy demonstrated abject disregard for the safety and health of the San Juan community, and for local legislation. The careful and coordinated review prescribed by the National Environmental Policy Act ensures that facilities are not constructed without full consideration of the impacts on the community and environment within which that facility will be built. NEPA also ensures robust public participation, ensuring that the public interest is considered in all permitting and certification decisions. New Fortress Energy acted directly against the public interest by preventing any meaningful consideration of the health and safety impacts to the community when the company chose to construct the San Juan facility without securing the prior authorization of FERC.”

FERC issued the **Order to Show Cause** on June 18, 2020,<sup>20</sup> about three months later.

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<sup>18</sup> “Re: San Juan Natural Gas Terminal,” eleven Puerto Rican ministers, March 10, 2020, <https://ieefa.org/wp-content/uploads/2020/05/Faith-Groups-Letter-to-FERC-LNG-NFE-PREPA-San-Juan.pdf>

<sup>19</sup> Joint Protest and Motion to Intervene of Comité Pro Seguridad y el Ambiente del Barrio Sabana, et. al. under CP20-466. FERC Accession Number 20200731-5026, July 31, 2020, [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20200731-5026](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20200731-5026)

<sup>20</sup> New Fortress Energy LLC, 174 FERC ¶ 61,207, ORDER ON SHOW CAUSE, March 19, 2021, Docket No. CP20-466-000,

## V. FERC HAS NO MANDATE FOR DEVELOPERS TO FILE PETITIONS FOR DECLARATORY ORDER

From Pivotal introduction: *“The Petition identifies no need for the Commission to regulate small-scale and other inland liquefied natural gas (“LNG”) facilities.”*

From Pivotal I: *“If the relief requested in the Petition is granted, the Commission would overturn years of precedent and previous jurisdictional determinations directly applicable to Pivotal LNG’s facilities.”*

From Pivotal III.A.1: *“ Indeed, the Commission’s regulations permit companies to file petitions for declaratory order specifically to “remove uncertainty.””*

Response: In case after case, the “years of precedent” have been based, in great part, on the Commission’s disclaiming of jurisdiction in the Pivotal decision. Yes, companies are permitted to file Petitions for Declaratory Order, but without a formal Rulemaking, there is no mandate requiring them to do so, and that is why we need a Rulemaking to remove uncertainty.

## VI. FERC DOES REVISIT LONGSTANDING PRECEDENT.

Pivotal III.A.: “In the mid-2010s, the Commission issued a series of orders providing additional clarity on the bounds of its jurisdiction to address new circumstances brought on by innovative new applications for LNG. This process has provided clear guardrails and boundaries that have provided certainty to the nascent, but growing small-scale natural gas liquefaction, storage, trucking, and marine transport industry. The Commission has facilitated this growth with reasonable interpretations of law and should not now disturb the regulatory certainty it has created.”

New Fortress Energy LLC (“NFE”) made much the same argument in its attempt to skirt FERC oversight of its San Juan LNG facility.<sup>21</sup> NFE cited many of the same “mid-2010s” cases, including FERC’s April 2, 2015 Order on Pivotal LNG’s Request for Declaratory Order.<sup>22</sup> FERC nonetheless took up oversight of that NFE San Juan facility.

Clearly FERC can and does make decisions unconstrained by those “mid-2010s” orders. Rather than doing so piece-meal and only after massive protest, as happened in that Puerto Rico case, FERC needs a more systematic way to handle oversight of small, inland LNG facilities.

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<sup>21</sup> “Motion for Leave to Answer and Answer of New Fortress Energy LLC to July 31, 2020 Joint Protest and Motion to Intervene by the coalition of special interest groups in Puerto Rico under CP20-466,” FERC Accession Number 20200814-5271, August 14, 2020, [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20200814-5271](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20200814-5271)

<sup>22</sup> *Pivotal LNG, Inc. (“Pivotal” or “Pivotal II”)*, 151 FERC ¶ 61,006 (Apr. 2, 2015), Docket No. RP15-259-000, [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20150402-3057](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20150402-3057)

## VII. CONCLUSION: FERC SHOULD ISSUE A NOPR

For the foregoing reasons, the Commission should issue a Notice of Proposed Rulemaking (“NOPR”) to revisit, reconsider, and ideally revoke its previous decisions against oversight of inland LNG facilities, in order to address the economic, environmental, and safety problems caused by those previous decisions, thus closing the significant and unnecessary gap FERC created in its own jurisdiction.

Respectfully submitted this fourth day of October, 2022.

John S. Quarterman, Suwannee RIVERKEEPER®

/s

WWALS Watershed Coalition, Inc.

PO Box 88, Hahira, GA 31632

850-290-2350

wwalswatershed@gmail.com

[www.wwals.net](http://www.wwals.net)

Earl L. Hatley, President

/s

LEAD Agency, Inc. (Grand Riverkeeper®, Tar Creekkeeper®)

PO Box 146, Quechee, VT 05059

earlhatley77@gmail.com

[www.leadagency.org](http://www.leadagency.org)

Dr. John C. Capece, Kissimmee Waterkeeper®

/s

863-354-0554

[capece@kissimmeewaterkeeper.org](mailto:capece@kissimmeewaterkeeper.org)

[kissimmeewaterkeeper.org/](http://kissimmeewaterkeeper.org/)

Reinaldo Diaz J.D., Lake Worth Waterkeeper®

/s

561-707-2897

[reinaldo@lakeworthwaterkeeper.org](mailto:reinaldo@lakeworthwaterkeeper.org)

[lakeworthwaterkeeper.org/](http://lakeworthwaterkeeper.org/)

Andy Mele, Peace+Myakka Waterkeeper®

/s

914-204-0030

andymele@me.com

[www.peacemyakewaterkeeper.org/](http://www.peacemyakewaterkeeper.org/)

K.C. Schulberg, Collier County Waterkeeper®

/s

239-784-0880

[kcs@colliercountywaterkeeper.org](mailto:kcs@colliercountywaterkeeper.org)

[www.colliercountywaterkeeper.org/](http://www.colliercountywaterkeeper.org/)

Heather Hulton VanTassel, Executive Director

/s

Three Rivers Waterkeepers

PO Box 97062

Pittsburgh, PA 15229

724-651-4367

[Heather@ThreeRiversWaterkeeper.org](mailto:Heather@ThreeRiversWaterkeeper.org)

[www.ThreeRiversWaterkeeper.org](http://www.ThreeRiversWaterkeeper.org)

Adam Carlesco, Staff Attorney

/s

FOOD & WATER WATCH

1616 P St., NW, Washington, D.C. 20036

202.683.4925

[acarlesco@fwwatch.org](mailto:acarlesco@fwwatch.org)

[foodandwaterwatch.org](http://foodandwaterwatch.org)