

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
:  
FERC SCOPING MEETING : Docket No.  
CROWN LANDING LNG : CP04-411-000  
AND LOGAN LATERAL PROJECTS : CP04-416-000  
:  
- - - - -x

Crozier Community Hospital  
2600 West 9th Street  
Claymont, DE

Thursday, March 31, 2005

The above-entitled matter came on for scoping  
meeting, pursuant to notice, at 7:06 p.m.

MEDIATOR:  
BOB KOPKA

1 PARTICIPANTS:

2

3 Alex J. Dankanich, U.S. Department of Transportation

4 Alan J. Muller, Green Delaware

5 Timothy E. Meyers, U.S. Coast Guard

6 Martin Willis

7 David R. Keifer, Delaware Sierra

8 Wallace Kremer, CCOBH & Civic League

9 Phil Cherry, DNREC

10 Philip Fuhrman

11 John Flahenti, Common Cause os DE

12 Mary Anne McGonegah, Common Cause os DE

13 Max M. Levy

14 Bob Valihura, State Representative

15 C. Clather, State Senator

16 Mary K. Dougherty, Family

17 Dee Whildin, Aniline Village

18 John Reynolds, Rice Unruh Reynolds Co.

19 Roy Jones, South Jersey Environmental Justice Alliance

20 Irene Murray

21 Frank Huessen, McAllister Towing of Phila

22

23

24

25

1 P R O C E E D I N G S

2 (7:06 p.m.)

3 MR. KOPKA: Good evening, everyone. I would like  
4 to welcome you here this evening. My name is Bob Kopka,  
5 spelled K-O-P-K-A. I work for the Federal Energy Regulatory  
6 Commission, also referred to as FERC, the F-E-R-C, or the  
7 Commission, located in Washington, D.C.

8 I am the Environmental Project Manager at FERC  
9 for the Crown Landing LNG and Logan Lateral Projects.

10 This is a public meeting to take comments on the  
11 Draft Environmental Statement or DEIS, issued by the FERC as  
12 the lead federal agency for the projects. Tonight's  
13 comments and written comments received on the DEIS, will be  
14 addressed in the Final EIS for these proposed projects.

15 We issued the DEIS on February 18, 2005, with  
16 comments due on April 18, 2005. Let the record show that  
17 this public meeting began at 7:06 p.m. on Thursday, March  
18 31, 2005, at the Holiday Inn in Claymont, Delaware.

19 The DEIS was written by FERC Staff with input  
20 from other federal cooperating agencies, several of which  
21 have representatives here tonight. Also, we have  
22 representatives from our third-party environmental  
23 contractor, Natural Resources Group, or NRG, who are outside  
24 at the sign-up table and are helping with the meeting  
25 tonight.

1                   From NRG, we have Randy Duncan and Naomi Jenson.  
2                   From our cooperating agencies, we have, to my far right,  
3                   Alex Dankanich from the U.S. Department of Transportation,  
4                   Office of Pipeline Safety; next we have Richard Hassel, from  
5                   the U.S. Army Corps of Engineers; and we also have Lt.  
6                   Commander Timothy Meyers from the U.S. Coast Guard.

7                   The USDOT is not an official cooperator, but the  
8                   USDOT staff take an active role in safety during the EIS  
9                   process and during construction and operation of natural gas  
10                  projects. These representatives have asked to address you  
11                  this evening, before we take the comments.

12                  Other federal agencies who are cooperators,  
13                  include the U.S. Fish and Wildlife Service, the  
14                  Environmental Protection Agency, and the Department of  
15                  Commerce, National Oceanic and Atmospheric Administration.

16                  On September 16, 2004, Crown Landing, LLC, filed  
17                  an application under Section 3 of the Natural Gas Act, in  
18                  Docket Number CP04-411-000, with the FERC, to construct a  
19                  liquified natural gas or LNG terminal in Logan Township, New  
20                  Jersey, with a pier extending into Delaware to store up to  
21                  450,000 cubic meters of LNG and to send out natural gas at  
22                  base load rate of 1.2 billion cubic feet per day.

23                  On September 17, 2004, Texas Eastern  
24                  Transmission, LP, filed an application under Section 7(c) of  
25                  the Natural Gas Act, to construct about 11 miles of 30-inch

1 diameter pipeline to transport .9 billion cubic feet per day  
2 of natural gas from the LNG terminal to its existing  
3 pipeline system in Brookhaven, Pennsylvania.

4 It is also expected that Columbia Gas  
5 Transmission and Transcontinental Gas Pipeline Corporation,  
6 which have existing pipeline facilities on the Crown Landing  
7 site, would also file in the future, seeking to transport  
8 gas from the Crown Landing LNG terminal, and the projects  
9 are covered in more detail in the DEIS.

10 I know many of you are aware that Delaware issued  
11 a Coastal Zone Status Decision, which determined that the  
12 proposed LNG offloading pier is prohibited under the  
13 Delaware State Coastal Zone Act of 1971. Crown Landing  
14 appealed that decision and yesterday, the Coastal Zone  
15 Industrial Board upheld that decision, but the project is  
16 still active at the federal level.

17 The Federal Energy Regulatory Commission, which  
18 at this time is composed of four Commissioners appointed by  
19 the President, would decide if authorization of the Crown  
20 Landing LNG and Logan Lateral Projects, are in the public  
21 convenience and necessity.

22 As part of the decisionmaking process, the  
23 Commission must consider the environmental impacts of the  
24 project and comply with the National Environmental Policy  
25 Act of 1969, as amended, also referred to as NEPA.

1           In order to comply with NEPA, we have produced  
2 the Draft EIS, so that the public has an opportunity to  
3 review the proposed project. The cooperating agencies have  
4 jurisdiction by law, or special expertise related to  
5 project-specific environmental impacts, and those agencies  
6 may adopt the EIS to meet their own obligations for  
7 compliance with NEPA.

8           At this time, I'll introduce the representatives  
9 of the federal agencies here tonight, and let them address  
10 you for a few minutes. Our first representative is Lt.  
11 Commander Timothy Meyers of the U.S. Coast Guard.

12           LT. COMMANDER MEYERS: Good evening. I'm Lt.  
13 Commander Tim Meyers, the Coast Guard Project Officer for  
14 the BP's proposed Crown Landing LNG terminal, and  
15 representative Jonathan Seruvi (ph.) of the Coast Guard  
16 Captain of the Port and Federal Maritime Security  
17 Coordinator for the Delaware River and Bay.

18           First, I'd like to thank everyone for attending  
19 this meeting and participating in our process for reviewing  
20 the Crown Landing LNG proposal. I recognize and understand  
21 the public's concern over the safe and secure shipment of  
22 LNG, and I want to hear your comments and concerns.

23           Port safety and security is one of the Coast  
24 Guard's highest priorities. As the Federal Government's  
25 lead agency for maritime homeland security, the Coast Guard

1 plays a major role in ensuring all facets of marine  
2 transportation of LNG, including LNG vessels and proposed  
3 LNG shoreside terminals, are operated safely, and that the  
4 risks associated with the marine transportation of LNG, are  
5 managed responsibly.

6 The Coast Guard is responsible for issues related  
7 to vessel engineering and safety standards, navigation  
8 safety, and matters pertaining to the safety of facilities  
9 or equipment located in or adjacent to navigable waterways.

10 The Coast Guard also has responsibility for LNG  
11 facility security plan review, approval, and compliance  
12 verification, as mandated by the Maritime Transportation  
13 Security Act of 2002.

14 As a cooperating agency, the Coast Guard provides  
15 input to and coordinates with the Federal Energy Regulatory  
16 Commission or FERC, the lead federal agency for authorizing  
17 and siting the construction of onshore LNG facilities and  
18 preparing an Environmental Impact Statement required by the  
19 National Environmental Policy Act, or NEPA.

20 The Coast Guard has been and continues to work  
21 closely with FERC to ensure that marine safety issues, as  
22 well as both land and maritime security issues, are  
23 addressed in a coordinated and comprehensive manner in the  
24 Environmental Impact Statement that FERC is preparing for  
25 the Crown Landing LNG proposal.

1                   MR. KOPKA: Okay, our next speaker is Richard  
2 Hassel of the U.S. Army Corps of Engineers.

3                   MR. HASSEL: My name is Richard Hassel. I'm a  
4 Supervisory Biologist with the Corps of Engineers,  
5 Philadelphia District, Army Corps of Engineers. I am the  
6 Supervisory Biologist, also for the Crown Landing LNG,  
7 Liquified Natural Gas, and the Logan Lateral Pipeline  
8 Project, and the Corps's official Hearing Officer for  
9 tonight's activity.

10                   The Corps of Engineers, under the authority of  
11 Section 10 of the Rivers and Harbors Act of 1899, regulates  
12 all work and structures in navigable waters, and under  
13 Section 404 of the Clean Water Act, is the lead federal  
14 agency that regulates the discharge of dredge or fill  
15 material into all waters of the United States, including  
16 wetlands.

17                   The Corps has received concurrent permit  
18 applications from Crown Landing, LLC, and Texas Eastern  
19 Transmission, LP, requesting Department of the Army permits  
20 to perform work in navigable waters, including the discharge  
21 of dredge or fill material into federally-regulated waters  
22 and wetlands, to facilitate the construction of one of the  
23 project alternatives identified in the Crown Landing LNG and  
24 Logan Lateral Projects Draft EIS.

25                   The Federal Energy Regulatory Commission is the

1 lead federal agency with respect to the preparation of the  
2 EIS for this project. They are that federal agency with  
3 particular expertise regarding the planning, design, and  
4 construction of energy projects.

5 From the Corps's perspective, the purpose of this  
6 hearing is to acquire information that will be considered in  
7 our determination of whether the Department of the Army  
8 permits should be issued to Crown Landing, LLC, and Texas  
9 Eastern Transmission, LP, for the pending permit  
10 applications, as well as for the Federal Energy Regulatory  
11 Commission to receive comments on the Draft EIS.

12 The decision of whether to issue a permit, will  
13 be based on the evaluation of the probable impact of the  
14 proposed activities on the public interest. That decision  
15 will reflect the national concern for both protection and  
16 utilization of important resources.

17 The benefits which reasonably be expected to  
18 accrue from the proposed project, must be balanced against  
19 any reasonably foreseeable determinants. All factors which  
20 may be relevant to the work, including the cumulative  
21 impacts, will be considered.

22 Among those are: Conservation, economics,  
23 aesthetics, general environmental concerns, wetlands,  
24 cultural values, fish and wildlife values, flood hazards,  
25 flood plain values, land use, navigation, shore erosion and

1 accretion, recreation, water supply, and conservation, water  
2 quality, energy needs, safety, food and fiber production,  
3 mineral needs, consideration of property ownership, and, in  
4 general, the needs and welfare of the people.

5 A Corps of Engineers permit will be granted for  
6 the alternative identified in the Final EIS, as the  
7 preferred alternative, unless we determine it would be  
8 contrary to the public interest.

9 This hearing affords interested parties, an  
10 opportunity to present their views, opinions, and  
11 information on the proposed work. All oral and written  
12 testimony that you provided today, as well as written  
13 statements received no later than April 18, 2005, will be  
14 part of the public hearing record and will be considered in  
15 rendering a decision on the pending permit application.

16 You will also have the opportunity to provide us  
17 with your comments on the applicant's preferred alternative,  
18 when the final EIS is issued.

19 The availability of that document for review and  
20 comment, will, again, be advertised by public notice. And  
21 now I'll turn it back to Bob.

22 MR. KOPKA: Our next speaker will be Alex  
23 Dankanich of the USDOT, Office of Pipeline Safety.

24 MR. DANKANICH: Good evening. My name is Alex  
25 Dankanich. I work for the Eastern Region, Office of

1 Pipeline Safety, Department of Transportation.

2 The Office of Pipeline Safety has five regional  
3 offices throughout the country. The Eastern Region Office  
4 has its headquarters office in Washington, and satellite  
5 offices in Trenton, Pittsburgh, and Boston.

6 Out of these satellite offices, we have numerous  
7 inspectors who report to these satellite offices, and  
8 communicate with the headquarters office in Washington.

9 The Office of Pipeline Safety has regulatory  
10 authority for the safety of interstate gas and liquid  
11 transmission pipelines and LNG facilities. The interstate  
12 gas and liquid transmission lines are the large-diameter  
13 lines such as the 30-inch line that is proposed for the  
14 Chester area.

15 The smaller-diameter distributions lines are  
16 regulated -- distribution lines are those lines that may  
17 come to your home and heat your home and fuel your furnaces  
18 and stoves. Those distribution lines are regulated by the  
19 Pennsylvania Department of Public Utilities.

20 The regulations apply to the construction,  
21 operation, and maintenance of transmission pipelines and LNG  
22 facilities. OPS regulations are codified in 49 CFR Parts  
23 192 and 193, which incorporate many other requirements of  
24 the National Fire Protection Association Standard 59(a).

25 During construction of these proposed facilities,

1 of both the transmission pipelines and the LNG facilities,  
2 the OPS regional staff will conduct inspections to ensure  
3 that the construction operations comply with the  
4 requirements of Part 192 and 193.

5 Prior to commencing operations, a facility's  
6 operator must establish detailed procedures that specify the  
7 normal operating parameters for all equipment and for the  
8 pipeline.

9 When a piece of equipment is modified or  
10 replaced, all procedures must be reviewed and modified, if  
11 necessary, to assure the integrity of the system.

12 All personnel must complete training in operation  
13 and maintenance, security, and firefighting. The facility's  
14 operator must develop and follow detailed maintenance  
15 procedures to ensure the integrity fo the various safety  
16 systems such as gas detection, fire detection, and  
17 temperature sensors.

18 Emergency shutdown devices also are incorporated.  
19 These devices would activate when normal operating  
20 parameters exceed the normal range. OPS regulations require  
21 tight security for the facility, including controlled  
22 access, communications systems, enclosure monitoring, and  
23 frequent patrolling.

24 OPS regional staff will inspect each LNG facility  
25 at a minimum of once each year, to ensure that all the

1 equipment has been properly maintained, and the operator has  
2 and follows an operation, maintenance, security, and  
3 emergency procedure that ensures the continued safe  
4 operation of the facility.

5 The Office of Pipeline Safety enforces code  
6 violations it finds. Enforcement can include civil  
7 penalties and orders directing corrective action. Thank  
8 you. I'll be available after the meeting, if you have any  
9 more specific questions.

10 MR. KOPKA: Because the Commission has the  
11 responsibility to treat all parties to a proceeding equally,  
12 we must make certain that our process is open and public.  
13 For this reason, we at FERC are constrained by what are  
14 known as ex parte rules.

15 This means there can be no off-the-record  
16 discussions or correspondence between FERC Staff and  
17 interested parties regarding the merits of this case.  
18 Therefore, I either urge you to speak tonight on the record,  
19 or to put your comments in writing and file them with the  
20 Secretary of the Commission. The directions to do so are in  
21 the first few pages of the DEIS.

22 I also encourage you, if you are not speaking  
23 tonight, to make sure you get those comments into us by  
24 April 18th. You may also file comments electronically, and  
25 those directions are also in the first few pages of the

1 DEIS.

2           You may have noticed that we have a Court  
3 Reporter from Ace Federal Reporters, Incorporated, who is  
4 transcribing this meeting. This is so we can have an  
5 accurate record of tonight's comments. If you would like a  
6 copy of the transcript, you may make arrangements with the  
7 Court Reporter or with Ace.

8           The transcript will be available to the public at  
9 FERC's public reference room and as part of the record on  
10 the FERC website, under the project docket numbers.

11           Let me emphasize that this meeting is not a  
12 hearing on the merits of these projects. It is, as I said  
13 earlier, a meeting to give you, the public, the opportunity  
14 to comment on our Draft EIS.

15           We will address comments on the Draft in the  
16 Final Environmental Impact Statement, which we expect to  
17 issue in early Summer. We will also not be addressing  
18 comments tonight. I ask also that you keep your comments  
19 brief and concise, to allow time for everyone to speak.

20           I will call up individuals to speak, in the order  
21 listed in the sign-up sheet. We also have some forms, if  
22 you would rather put your comments in writing, which you can  
23 give to us this evening for inclusion in the public record.

24           When you come up to speak, please spell your last  
25 name for the record, and identify any organization you may

1 be representing. At this time, I would like to call our  
2 first speaker, who is Martin Willis.

3 I'd also like to mention to you to just be  
4 careful, because there are a number of wires up here, so  
5 please enter here from the left.

6 MR. WILLIS: I'm Martin Willis, W-I-L-L-I-S. I'm  
7 all for this. I live in the most industrialized country in  
8 the world.

9 We demanded that all our future power plants be  
10 built to run on natural gas. It is a simple case of supply  
11 and demand.

12 You demanded that everything be run on natural  
13 gas. Here's a chance for us to supply it.

14 I live here. I live within miles of the River.  
15 Every day, propane, butane, a million barrels of gasoline,  
16 go up and down this River, and it's a working River right  
17 there.

18 I am the face of a construction worker. I am a  
19 Union boilermaker. I work in refineries, power plants, and  
20 I will work on this gas project.

21 In the future, you will either have to choose  
22 coal, nuclear, or natural gas. You've chosen natural gas.

23 Here is a chance for us to supply it. Now, if  
24 anyone has a better way, please let me know.

25 This summer, when the price of electricity goes

1 up through the roof, next winter, when you can't get supply,  
2 you're either going to have heating or you're going to eat -  
3 - simple.

4 Natural gas is the way to go. You demanded it,  
5 BP is ready to supply it.

6 (Applause.)

7 MR. KOPKA: Our next speaker is David R. Keifer.

8 MR. KEIFER: I'm David Keifer, Delaware Chapter  
9 of the Sierra Club, K-E-I-F-E-R. We electronically filed  
10 our comments today. I have given you a written copy for the  
11 record tonight. I will just summarize them for the record.

12 I would point out to the gentleman from DOT that  
13 we are no longer the three lower counties of Pennsylvania.  
14 We're a sovereign state and have our own (inaudible), but  
15 that's not to be (inaudible).

16 I have some comments on the DEIS: We are  
17 concerned about the adequacy of the responses, based on the  
18 model -- essentially the model that was used -- the basic  
19 hypothesis used in the DEIS, is that if an event is deemed  
20 rare or unlikely, then the consequences of the effects of it  
21 happening, are not significant.

22 The result is a best-case scenario or perhaps a  
23 mid-range scenario. The impacts of the rare event  
24 occurring, are not considered.

25 On vehicular traffic, we're going on essentially

1 the way we raised the comment in the scoping document that  
2 we gave you back in February.

3 The final version of the EIS should include an  
4 analysis of what would happen if restrictions like those  
5 used in Boston Harbor when LNG carriers enter, are imposed  
6 on the Delaware Valley. It would be things like the  
7 Delaware Memorial Bridge.

8 There is a broad notion that a disaster has not  
9 yet happened with LNG transport and unloading, but it has  
10 never been practiced at the scale proposed, in a highly-used  
11 bay and river and with so much vessel traffic as we have on  
12 the Delaware.

13 The DEIS reviewed some alternative sites, most  
14 particularly, Baltimore, and the existing terminal at Cove  
15 Point. The major problem in the question of alternatives,  
16 is that each terminal proposal is evaluated on its own,  
17 although the system operates essentially nationwide.

18 Transit channel width: The DEIS is not  
19 responsive to the concern raised in our scoping comments, in  
20 that in questions of the possible impacts of LNG carriers  
21 transiting the River and Bay, are unknown until certain  
22 Coast Guard studies have been completed.

23 It is also noted that the Bay is wide near the  
24 anchorage where the petroleum tankers offload into lighters,  
25 and where the Cape May-Lewis Ferry crosses the Bay, but the

1 navigation channel is the same width, essentially,  
2 throughout the Bay and River, and the naturally deep channel  
3 where the tankers offload, is relatively close to the main  
4 channel, so that spatial and temporal conflicts could occur.

5 One of the objectives of the safety measures is  
6 to keep the terrorists from blowing up an LNG carrier  
7 vessel, so small boats should be kept, presumably, away from  
8 the carrier vessels, so that the Coast Guard can interdict  
9 them prior to an attack. This would presumably impact  
10 smaller vessels, as well as the large commercial vessels.

11 The DEIS suggests that there would be no impact  
12 on the smaller vessels, and so it's a question -- I'm not  
13 questioning the Coast Guard's integrity or capability; what  
14 I'm questioning is, if they are doing the job I expect they  
15 would be doing, there would have to be some impact on almost  
16 all of the vessels, and that's kind of swept over in the  
17 DEIS.

18 There's no discussion in the DEIS, at least that  
19 I could find, that has to do with cost allocations. Are the  
20 taxpayers expected to pay for the cost incurred by the Coast  
21 Guard? Who is to pay the costs of commercial barge traffic,  
22 commercial shipping, and commercial and recreational fishing  
23 boats, as a result of all the security measures that are  
24 created because of the LNG program?

25 Under special interest areas, the DEIS recognizes

1 the heronry in Pea Patch Island, as a special interest area,  
2 but there is no assessment of what could happen if there  
3 were an accidental release of LNG by a vessel on the way by  
4 Pea Patch Island, and the channel is quite close to the  
5 Island.

6 The final version of the EIS must include results  
7 of the Section 7 consultation on Atlantic Sturgeon.

8 What are the direct and collateral future adverse  
9 impacts on Delaware's tourist industry and property values,  
10 as a result of the Delaware River being used as a transit  
11 route for LNG, especially if an accident occurred elsewhere  
12 and the adequacy of public safety became a question because  
13 of the terminal's proposed location?

14 The major flaw of the DEIS is the analytical  
15 model that is based on the theory that there is a low  
16 probability of an LNG spill, then there is a low probability  
17 of negative impacts that could result from the spill.

18 What that amounts to is that only the best-case  
19 scenario is evaluated. The document discounts the fact that  
20 the Coast Guard has implemented safety precautions to reduce  
21 certain types of impacts, but, if followed, the Coast Guard  
22 would not impose such measures against a trivial threat, and  
23 also that the Coast Guard's measures may not be 100-percent  
24 effective.

25 Hence, the analysis of possible impacts is

1 incomplete and unacceptable, if the consequences of a low-  
2 probability event are not also evaluated.

3 The hazard zones defined in the DEIS are based on  
4 the Sandia Report, but that report also did not evaluate the  
5 worst-case scenarios, because at least one the worst-case  
6 scenarios has not yet even been modeled, specifically that  
7 of an entire LNG carrier vessel breaching.

8 Further, the modeling reported in the Sandia  
9 document, is based on extremely small-scale actual  
10 experiments. Since no one would conceive of blowing up an  
11 LNG vessel on purpose to see what would happen, in the  
12 absence of anything approaching empirical data, it seems  
13 prudent to include a stringent evaluation of worst-case  
14 scenario impacts.

15 Given all of the unknowns, the following  
16 statement from the DEIS on page 4-167, is incredible, and I  
17 quote:

18  
19 "The transit within the navigation channel would  
20 pass by Delaware City, New Castle, Wilmington,  
21 and Claymont, Delaware, and Pennsville and Penn's  
22 Grove, New Jersey.

23  
24 Some areas of development along the shoreline in  
25 these communities, could be within a potential

1 hazard area during an LNG vessel transit.

2

3 Assuming an LNG ship would transit the Delaware  
4 River at approximately 11 knots, the adjacent  
5 communities would be exposed to a potential  
6 transient hazard for an estimated eight minutes.

7

8 In addition, a temporary hazard would exist  
9 around the ship unloading facility during part of  
10 the 16-17 hour period when the LNG ship is in  
11 dock and unloading cargo."

12 Two questions on the project: Why would we  
13 locate such a terminal in a populous area, and are citizens  
14 expendable in the name of progress? Thank you.

15 (Applause.)

16 MR. KOPKA: Our next speaker is Wallace Kremer.

17 MR. KREMER: My name is Wallace Kremer, K-R-E-M-  
18 E-R. I'm the Environmental Committee Chairman for the  
19 Council of Civic Associations of Brandywine Hundred and the  
20 President of the Civic League of New Castle County, who  
21 asked me to speak for them, also, as well as some other  
22 organizations, since we basically have the same feelings  
23 about this project.

24 Yesterday, the Coastal Zone Board agreed with  
25 Secretary Hughes that the dock cannot be built because of

1 the Coastal Zone Act. Unless some other action occurs, this  
2 dock has to be somewhere else.

3 Now, one of the things that the resolution of our  
4 Executive Committee said, is that we suggest a safer or the  
5 safest site be found. Today, the Commission set up by the  
6 President to look at our intelligence agencies, reported.

7 And the Chairman and the Co-Chairman both said  
8 what we need is more innovative thought. Now, one of the  
9 things that seemed to me that might be thought about, is,  
10 why didn't BP look at sites south of the Delaware Memorial  
11 Bridge and a nuclear power plant?

12 They looked at that territory and said it's all  
13 federal land, state land, or wetlands. Now, an innovative  
14 thought might be for the Federal Government to supply land  
15 for these LNG terminals, in the safest place in the country  
16 or the safest place in this area.

17 Now, the previous speaker covered very well, the  
18 Sandia Report. It has a lot of deficiencies. Especially in  
19 this report that was issued, which appeared to me to be a  
20 pre-9/11 report -- there was information about post-9/11.

21 It's interesting that in 1994, Tom Clancey, well  
22 known author and best-seller, (inaudible) a gentleman who  
23 had a fervent belief, stole a commercial airplane, a 747 and  
24 flew it into the Capitol of the United States, killing most  
25 of Congress and the President of the United States, so that

1 his hero, Jack Ryan, could become President.

2 This was published in 1994. When you listen to  
3 the 9/11 Commission hearings, people -- witnesses and the  
4 Government said, could anybody imagine somebody hijacking a  
5 commercial airline and flying into a building?

6 This gentleman did, some seven or eight years  
7 before that. What I'm concerned about, looking at the  
8 Sandia Report -- and I agree that they haven't looked at the  
9 case where the whole vessel burns; they haven't looked at  
10 things that are obvious, and they come up with a real small  
11 hole in the vessel.

12 That is our most difficult thing, and we need to  
13 move our Government into a position of a higher level of  
14 thought, and all these commissions and all of these reports  
15 say that.

16 I don't see a higher level of thought. We  
17 recently passed in Congress, under the budget, that we would  
18 drill in Alaska on federal lands -- how about that? So, I  
19 would suggest very strongly that that be looked at.

20 Now, one of the things that you can do in reports  
21 -- and I've worked site reports -- is set up criteria so  
22 that you get the answer you want. In this case, they set up  
23 a pipeline link from the facility, of 50 miles. That means  
24 that Crown Landing is one of the only places that fit the  
25 criteria.

1                   Congress, in the bill for pipeline safety, said,  
2                   find a remote location. Look in the dictionary under  
3                   "remote." It says the North Pole is remote. It sets up all  
4                   these kinds of criteria.

5                   Again, by not looking at their own land and the  
6                   State of New Jersey land, they haven't opened up  
7                   possibilities for safer sites. Safety is relative, and all  
8                   of us and BP will do what they can, the best that they can,  
9                   and these agencies will, to make it safe.

10                   But what you need to do is to go beyond that.  
11                   What is the safest possibility? I submit that this report -  
12                   - and when you read how they set up criteria, they seemed to  
13                   give more weight to fish and birds than they do to people.

14                   And until you say that people's safety is number  
15                   one and we're going to find the safest site, you haven't.  
16                   And you need to provide industry access to finding those  
17                   safest sites. Thank you.

18                   (Applause.)

19                   MR. KOPKA: Our next speaker is Bill Cherry.

20                   MR. CHERRY: Good evening. My name is Bill  
21                   Cherry, C-H-E-R-R-Y, with the State Department of Natural  
22                   Resources and Environmental Control here in Delaware. I  
23                   want to thank FERC for holding this meeting here in  
24                   Delaware, as you did the scoping meeting earlier this  
25                   summer, and I know that is, in part, recognition of the fact

1 that a very integral part of this project is located in  
2 Delaware on the subaqueous lands on the Delaware River on  
3 this side, if you will, of the water line.

4 Secretary Hughes of the Department of Natural  
5 Resources, has asked me to attend here this evening, and to  
6 read to you, this very short letter, which we will be  
7 submitting by April the 18th, along with much longer and  
8 more detailed comments on the EIS itself.

9 But you mentioned it yourself, Bob, as did Mr.  
10 Keifer, that we had a very important decision that was made  
11 yesterday by the Coastal Zone Industrial Control Board, and  
12 I'm here to reiterate the findings, the unanimous findings  
13 of that Board, so I would like to read this letter, if I  
14 could, and I will yield the microphone:

15 "This evening's meeting is expressly designed to  
16 gather public input in the Draft EIS for the  
17 proposed Crown Landing LNG facility located in  
18 both Logan Township, New Jersey, and the  
19 subaqueous lands within the State of Delaware.  
20 This letter and more detailed comments on the  
21 Draft EIS will be submitted to FERC in advance of  
22 the April 18th submission deadline.

23

24 For this evening, however, I want to emphasize  
25 the very important position on this project taken

1 by the State of Delaware. The Commission is  
2 already aware that this project has sought and  
3 failed to receive a favorable status decision  
4 from the Department of Natural Resources and  
5 Environmental Control with regard to Delaware's  
6 Coastal Zone Act. On February 3, 2005, Delaware  
7 ruled that this proposed facility was, indeed, a  
8 prohibited bulk product transfer facility and is  
9 strictly prohibited within our Coastal Zone.  
10 Yesterday, Delaware's Coastal Zone Industrial  
11 Control Board, in a lengthy and detailed hearing,  
12 upheld that decision by unanimous vote.

13  
14 The Draft EIS fails to adequately address the  
15 relevance of the Delaware Coastal Zone Act to  
16 continuation of this project. The Act was passed  
17 over 30 years ago to control the development of  
18 new heavy industries and bulk product facilities  
19 within our coastal zone, a zone which extends to  
20 the mean lower water line on the New Jersey side  
21 of the River in the vicinity of this project. We  
22 believe very strongly that our State Coastal Zone  
23 Act applies in this instance, and that no  
24 mitigating measure or response actions exist that  
25 FERC or BP can take to reverse or alter our

1 position with respect to the facility as planned  
2 on this site.

3  
4 This project is clearly a prohibited activity  
5 under Delaware law, and we would request that  
6 FERC and BP act accordingly. Thank you for your  
7 attention in this matter."

8 (Applause.)

9 MR. KOPKA: Okay, our next speaker is Philip  
10 Fuhrman.

11 MR. FUHRMAN: My name is Philip. Fuhrman; that's  
12 F-U-H-R-M-A-N, and it's one L.

13 I have comments which I presented to the Coastal  
14 Zone Industrial Board last night. They weren't particularly  
15 relevant to the decisions that were being made at that  
16 hearing. They have been submitted to the FERC online  
17 website, but the docket number, I believe, that I submitted  
18 it under, was a different one, and PF04, I think was the  
19 docket number.

20 MR. KOPKA: That was the pre-filing docket. You  
21 may want to re-file.

22 MR. FUHRMAN: I will re-file. These comments are  
23 going to be filed within the next few days. I'm writing to  
24 bring to your attention, a matter of grave safety concerns  
25 for the LNG tankers arriving at the proposed BP Crown

1 Landing Terminal in Logan Township, New Jersey.

2 This particular hazard has not been mentioned in  
3 any of the press about this project, however, in the last  
4 few weeks, I've researched most of the questions that arose  
5 from my concern, and I believe it to be a real danger.

6 I live about one-half mile from the Delaware  
7 River and I commute along the River every day. I have  
8 become quite familiar with the patterns of shipping traffic  
9 to the Philadelphia area ports, which are the second busiest  
10 in the country for petroleum products.

11 This particular portion of the River bank and  
12 nearby communities, is known as Fox Point. Fox Point State  
13 Park, which I believe is right in there, is a small strip of  
14 state land along the River, that was developed over the past  
15 ten years as a recreation spot for people wishing to spend  
16 some time along the River, possibly watching shipping  
17 traffic.

18 Normally not used by many people, the Park  
19 becomes quite crowded at times when tall ship flotillas  
20 visit the Philadelphia area, which has happened many times  
21 since I've lived here.

22 It was a favorite spot, long before the State  
23 officially made the land accessible. The reason why this  
24 spot is so popular, is that the main shipping channel passes  
25 very close to shore, and the main shipping channel on this

1 chart, I've marked with the pink dotted line. I think --  
2 correct me if I'm wrong in any of this, Lieutenant.

3 Okay, if you look at the navigational chart for  
4 this part fo the River, you will see a place where the  
5 channel takes a bend to the East, and where the River bank  
6 bulges outward into the River. That's where Fox Point Park  
7 is.

8 Two navigational buoys mark the channel  
9 boundaries at about the closest approach to shore, Bellevue  
10 Range Buoys 1B and 4B. From these charts and the USGS  
11 topographic maps, I find the buoys to be a little less than  
12 300 yards apart, where the shipping channel is approximately  
13 that width at that point.

14 The inner buoy is about 170 yards from shore. If  
15 you look at a map of the area, you will also see the  
16 Northeast Corridor Amtrak lines. It's a little hard to see,  
17 but everything concentrates in that area right along Fox  
18 Point Park. There are four rail lines.

19 U.S. 13, which is a four-lane highway, and  
20 Interstate 495, which is six lanes, run alongside the River.  
21 All these major thoroughfares lie within 500 yards fo the  
22 channel.

23 Out to a thousand yards, you begin to encompass  
24 many of the neighborhoods of the Fox Point area. I've  
25 marked the 500-yard line in orange, and that is basically a

1 copy of the channel, just moved out 500 yards.

2 Then again, in yellow, is 1,000 yards out, so  
3 those marks are essentially mirrors of the channel, out 500  
4 and 1,000 yards. I believe this proximity poses a serious  
5 threat to both LNG tankers and the nearby community.

6 This has not been widely recognized, since many  
7 of the press articles about this project, draw the shipping  
8 channel roughly down the middle of the River. I want to  
9 thank Jeff Montgomery for starting to correct that record in  
10 today's News Journal.

11 The U.S. Coast Guard, after the September 11th,  
12 2001 attacks, acted to protect tankers arriving at the  
13 Everett, Massachusetts terminal, which is the Boston  
14 facility that people have talked about, by imposing an  
15 exclusion zone of 1,000 yards to either side of LNG tanker  
16 traffic.

17 Later this was diminished to 500 yards, a year  
18 later when the final rule was published, but for about a  
19 year, there was an exclusion zone of 1,000 yards on either  
20 side of LNG tanker traffic.

21 Bridges over the ship channel were also closed  
22 for 20 minutes or so during passage of LNG tankers.

23 The threat from terrorist activity to our  
24 community cannot be minimized here. I believe that the  
25 larger exclusion zone will eventually be required. Over the

1 past couple of years, we have heard daily reports of Iraqi  
2 insurgents attacking heavily armed vehicles with RPGs,  
3 rocket-propelled grenades.

4 These weapons have become readily available to  
5 terrorist group, following the fall of Saddam. The effective  
6 range against stationary armored targets for the common RPG-  
7 7 launcher and PG-7 warhead, is 500 yards. The maximum  
8 range where the warhead self-destructs, is 920 yards.

9 A large tanker, 1,000 feet long, moving at harbor  
10 speeds, is essentially a stationary target, at least  
11 compared to an M1A1 Tank. These warheads consist of a high  
12 explosive shaped charge, which, upon detonation, directs a  
13 high-velocity slug or course spray of molten steel, which  
14 can penetrate several feet of concrete, or, for some of  
15 these warheads, even up to 24 inches of armor.

16 The inner and outer hulls of an LNG tanker are  
17 about one inch thick separated by about eight feet of space,  
18 which is frequently ballast water. Other weapons could have  
19 devastating effects on the exposed spherical tanks of the  
20 Moss-type (ph.) LNG tankers, and these shells are only a few  
21 millimeters thick of aluminum with some insulation and  
22 thermal foil covering.

23 The U.S. Coast Guard will have responsibility for  
24 determining the specific procedures for this project. This  
25 is not -- the rules that I have mentioned, were the Boston

1 rules, and we will have to wait and see what the Coast Guard  
2 comes up with for this project.

3 It's likely, though, that the Delaware Memorial  
4 Bridge would have to be closed during the passage of  
5 tankers. I expect that some type of exclusion zone onshore,  
6 will also be required, where ships will pass within 500  
7 yards and possibly up to a thousand yards.

8 This will certainly mean closing Fox Point State  
9 Park, the Amtrak Northeast Corridor tracks, including  
10 commuter traffic and regional rails, Interstate 495 and U.S.  
11 13. This would shut down one of the most concentrated  
12 transportation corridors in the country, each time a tanker  
13 passes by.

14 I want to point out that in the Boston case,  
15 those rules were applied, whether the tanker was loaded or  
16 unloaded, which means that we're talking about up to six  
17 times a week that this could happen.

18 That is, again, four rail lines and ten lanes of  
19 highway traffic. The larger exclusion zone starts to  
20 encompass neighborhoods, and I don't know how you start to  
21 secure a neighborhood.

22 These communities include high-rise apartment  
23 buildings and homes on high ground within a thousand yards  
24 of the channel, which would be excellent locations from  
25 which to stage an attack. Protecting against such an

1 attack, which could have devastating consequences for  
2 thousands of people living in these neighborhoods -- this is  
3 a very densely populated area -- would be an extreme  
4 disruption of daily life to just as many people.

5 I also want to mention, consider the impact, the  
6 environmental impact of such a disaster through damage or  
7 destruction of the Edgemore DuPont chemical plant, which  
8 uses about a tanker full of chlorine each day.

9 I'm raising this issue with the Commission  
10 because, according to the Chairman's testimony before  
11 Congress, FERC plays the lead role among the agencies  
12 responsible for all aspects of LNG facilities, and it is the  
13 Commission that must approve and condition onshore LNG  
14 facilities.

15 I hope that before this project is approved, you  
16 must answer these questions: Can we really protect tankers  
17 in the channel, and what would be the cost to these  
18 communities? Thank you very much.

19 (Applause.)

20 MR. KOPKA: Our next speaker is John Flaherty.

21 MR. FLAHERTY: Thank you for the opportunity to  
22 speak. I have three short comments I'd like to make.

23 First of all, I'm here tonight in support of the  
24 recommendation made by the Federal Energy Regulatory  
25 Commission, which is on page 4-92 of this Environmental

1 Impact Statement. And that recommendation by FERC and the  
2 accompanying agencies, basically says that this project  
3 cannot go forth, unless the State of Delaware signs off.

4 The State of Delaware decided, by Secretary  
5 Hughes, about a month ago, and yesterday the Coastal Zone  
6 Industrial Control Board affirmed that decision, that this  
7 project is not going to go forward. I want to commend FERC  
8 and members of the Commission for that incredibly strong  
9 statement, that this project is not going to go forth unless  
10 Delaware signs off on it, which is essentially what the  
11 recommendation says on page 4-92.

12 I think it's important that when we have projects  
13 of this magnitude and this impact, that we have processes in  
14 place that we can rely on. I think that in Delaware, we  
15 have processes in place, just like New Jersey and  
16 Pennsylvania also have.

17 And we also have processes in place on the  
18 federal level, and I think it's important that we adhere to  
19 these processes, because we don't want to have projects  
20 determined, based on, say, outside political forces.

21 Each and every one of us is here as members of  
22 the public, and also the applicant, BP, I think, is going to  
23 rely on the fairness and impartiality of our regulators to  
24 decide this project.

25 We know for a fact that British Petroleum has

1 spent over \$24 million in lobbying fees from 1998 to 2003,  
2 to lobby our federal agencies, and I'm happy to say that  
3 this recommendation on page 4-92, certainly does not reflect  
4 any kind of political influence or impropriety here.

5 That's about as strong a statement as you're  
6 going to see, that this project will not go forward, until  
7 Delaware signs off on it.

8 The other issue: I'd like to also commend FERC  
9 for what I consider to be a very user-friendly process. I  
10 got this document mailed to me. I've been to a number of  
11 hearings.

12 If you take a look on page 5, if you want to  
13 become an Intervenor in this case, the Federal Energy  
14 Regulatory Commission invites you to become an Intervenor,  
15 and it tells you how to do it on page 5.

16 I did not become an Intervenor, but a friend of  
17 mine, Mary Anne McGonegal, did. She got on the Internet and  
18 she signed up and became an Intervenor. And what that means  
19 is that she was able to track this case from the very  
20 beginning. All the documents that were submitted by all the  
21 interested parties, came to her, and she was able to track  
22 this on a weekly basis.

23 I'm sad to say that in Delaware, for example,  
24 even though I think the Coast Zone Board and DNREC upheld  
25 the public interest by their decision on this project, it's

1 just been impossible for somebody in Delaware to become an  
2 Intervenor, so, the way the public is treated in Delaware  
3 and the way it's treated on the federal level, are two 180-  
4 degree opposites.

5 I wanted to also commend you for the procedures  
6 by which you have conducted these hearings.

7 The third point is -- and I think Mr. Fuhrman  
8 talked about it -- is this safety zone. One of the things  
9 we really haven't taken into consideration yet, is the  
10 economic impact of this project on the existing businesses  
11 in the Port of Wilmington and the Port of Philadelphia.

12 If, in fact, the same safety zone that is used up  
13 at Everett, Massachusetts, is used here, we're going to see  
14 a virtual shutdown of commercial traffic on the River until  
15 this ship, which will take, I think, five and a half hours  
16 once it enters the channel, and I believe it will take 15 or  
17 16 hours to unload, is a virtual shutdown of the channel for  
18 businesses.

19 If you work at Sunoco or Conoco or any of these  
20 refineries up towards Philadelphia, imagine the impact on  
21 businesses it's going to have, if you have a load of fuel  
22 coming up the River and you say, well, you are told you  
23 can't proceed because we have a liquified natural gas tanker  
24 in front of you and it's too dangerous for you to go up.

25 Imagine the disruption for the existing

1 businesses of having to shut down the channel to accommodate  
2 this ship. Imagine if you're Hershey Foods, for example,  
3 out in Hershey, Pennsylvania, and you rely on a steady and  
4 reliable flow of cocoa beans from Ghana and that ship is  
5 going to be held at Lewis until one of these liquified  
6 natural gas tankers takes almost a day to unload and come  
7 back out of the harbor.

8 So I think there are a lot of questions about the  
9 economic impact, which have not really been answered, or  
10 even been discussed about the existing businesses in the  
11 Port of Philadelphia and in the Port of Wilmington.

12 But, again, I would like to say that I would like  
13 to commend not only FERC, but these participating agencies  
14 for that very, very strong recommendation on page 4-92 in  
15 support of Delaware's role in this project. Thank you.

16 (Applause.)

17 MR. KOPKA: Our next speaker is Mary Anne  
18 McGonegal.

19 MS. MCGONEGAL: I'm Mary Anne McGonegal. As. Mr.  
20 Flaherty said, I'm your local Intervenor. My name is  
21 spelled M-C, capital-G-O-N-E-G-A-L, and that's Mary Anne  
22 with an E.

23 I have a prepared statement, but I also want to  
24 say that I echo Mr. David Keifer's remarks regarding the  
25 inadequacy of the Draft Environmental Impact Statement. Mr.

1 Keifer knows full well, the (inaudible) he didn't tell you,  
2 but he's a former state planner, before we had the process  
3 in place that we have now, and it was his responsibility to  
4 review previous Coastal Zone applications.

5 Mr. Keifer is extremely knowledgeable. He is  
6 retired now, but I would ask FERC to pay very close  
7 attention to his remarks, because he does know whereof he  
8 speaks, and particularly some of his remarks regarding the  
9 inadequacy of the Draft Environmental Impact Statement.

10 I, too, support FERC's recommendation on page 4-  
11 92 fo the EIS, Environmental Impact Statement, that states,  
12 that, quote, "Crown Landing filed documentation of  
13 concurrence with the Department of Natural Resources and  
14 Environmental Control, that the Crown Landing Project is  
15 consistent with the Delaware Coastal Management Program, and  
16 to file that with the Secretary, prior to construction."

17 That's very important, "prior to construction."  
18 We have a lot of work going on in New Jersey now that I feel  
19 and I have written, shouldn't be going on.

20 Some of you may not be familiar with the Coastal  
21 Zone that we talk a lot about, and I gave the history,  
22 particularly for FERC, in case they don't know how important  
23 this Coastal Zone law is to Delaware and the people of  
24 Delaware, and to our environment.

25 Since 1971, our Coastal Zone has been protected

1 by the Coastal Zone Act, which prohibits new heavy industry  
2 and bulk product transfer facilities in our State's  
3 protected Coastal Zone area. Before beginning a project in  
4 the Coastal Zone, a company must file an application for a  
5 status decision with the Secretary of DNREC, the Department  
6 of Natural Resources and Environmental Control, as to the  
7 applicability of the statute to the proposed project.

8 Now, I became involved in this issue because in  
9 October of 2004, I attended a meeting where the Governor was  
10 present, and I asked her why the State had accepted a  
11 subaqueous land application from Crown Landing in order to  
12 perform test borings in the Delaware, because they had not  
13 as yet submitted a Coastal Zone application.

14 It's very important. It might seem technical,  
15 but it's an extremely important issue to the protection of  
16 our environment. And she assured me in a letter that she  
17 would be urging Crown Landing to comply with the law.

18 That was in November of 2004. I reviewed Crown  
19 Landings subaqueous land application, and I would like to  
20 let FERC know for the record that I question the integrity  
21 of Crown Landing, because I found, to be kind, misstatements  
22 in that application.

23 The attorneys for Crown Landing said that they  
24 had secured compliance with the Coastal Zone Management  
25 Program, and also for nonexistent federal law that I found

1 didn't exist. That's very important, because when an  
2 applicant apparently lies, it calls into question,  
3 everything else that they're doing, and if you notice, this  
4 project has continued apace, with no approval from the State  
5 of Delaware for the docking facility, which is the most  
6 important part of the whole project.

7           They're going great guns over in New Jersey and  
8 doing all sorts of work over there, and Mr. Thomas Muller,  
9 who is a -- I think he's like a PR person for Crown Landing  
10 -- sends out these little good-neighbor letters on the  
11 Internet, and that's where I discovered that there was work  
12 going on in New Jersey, and before we even had the Coastal  
13 Zone application for a status decision filed.

14           They're just going crazy over in New Jersey, but  
15 ignoring Delaware's law. Now, most of us, if we ignore the  
16 law, we know what happens, but so far, it hasn't happened to  
17 Crown Landing.

18           Finally, in December, they submitted -- Crown  
19 Landing submitted their application for a status decision,  
20 and, as I said, that was to find out whether they could  
21 proceed with building this dock in the Delaware River in  
22 waters that are controlled by the State of Delaware.

23           And, as you heard from Phil Cherry, who works for  
24 DNREC, on February 3rd, after review by Secretary Hughes  
25 and the overwhelming opposition by the people of the State

1 of Delaware, there was one documented company that supported  
2 this project, and I believe it was a chicken fertilizer  
3 company, and if you know anything about chicken fertilizer  
4 companies, they're heavy polluters.

5 So, Secretary Hughes found that the project  
6 proposed by Crown Landing was, quote, "a prohibited offshore  
7 bulk product transfer facility," end quote, and that it,  
8 quote, "exhibits characteristics sufficient to deem it a  
9 heavy industry, both of which are prohibited under Delaware  
10 law."

11 So, where we are here tonight, you know, still  
12 talking about this, because FERC apparently considers their  
13 part of this, you know, immaterial to what the wishes are of  
14 the people of the State of Delaware, and our law.

15 As you heard, Crown Landing appealed the  
16 Secretary's decision and yesterday we sat through ten hours  
17 of testimony, much of it by Crown Landing that was  
18 irrelevant, but they were allowed to go on. It took ten  
19 hours, with just a couple of short breaks, while we listened  
20 to them tell us why they should be allowed to build this in  
21 the Delaware River.

22 They're trying to say they're manufacturing  
23 liquified natural gas over there in New Jersey, but that  
24 doesn't hold water or hold much of anything, except a lot of  
25 problems for the rest of us.

1                   Now, Crown Landing can do a couple of things, and  
2 I guess they haven't decided yet, what they want to do,  
3 because this project cannot go forward, you know. The  
4 Environmental Impact Statements and the Coast Guard and the  
5 DOT, everybody else is here, you know, and it's a violation  
6 of Delaware law.

7                   I want to get that on the record and I want you  
8 to know, speaking on behalf of the people of Delaware, it's  
9 a violation of Delaware law. Now, that environmental impact  
10 statement must be two inches thick. A lot of work went into  
11 it, but it's very inadequate.

12                   It doesn't address -- I get to that, but a scant  
13 three paragraphs out of a huge documents -- three paragraphs  
14 concern Delaware's Coastal Zone law -- three paragraphs,  
15 that's all. We have everything else in there, but three  
16 paragraphs.

17                   Now, you can't build this until you're able to  
18 get the okay from Delaware. Now, whoever drafted that, and  
19 it was a lot of people, there's three paragraphs concerning  
20 Delaware's Coastal Zone law.

21                   I consider that an affront to the people of the  
22 State of Delaware, you know, why FERC, who has been working  
23 hand-in-glove with BP, I want to know what they do. As Mr.  
24 Flaherty says, BP spends millions upon millions of dollars  
25 in campaigns for mostly Republicans, but they do spread the

1 money around.

2 They take them to lunch, they have meetings. I  
3 found at least five meetings that BP had with FERC, and FERC  
4 workers (inaudible). I don't know if they would welcome me,  
5 if I went to Washington. Maybe they would. I'm sure we all  
6 wouldn't have the same impact as the BP vice presidents and  
7 whatever going down.

8 So, we're behind the eightball here in Delaware,  
9 because the Federal Government is not paying attention to  
10 our laws, and I just find that very offensive.

11 And I have documented this here, that FERC has  
12 permitted Crown Landing to proceed with various permits for  
13 the proposed project, before you got the necessary permit to  
14 build the docking facility in Delaware's waters.

15 And, as illustrated, Crown Landing attempted to  
16 circumvent Delaware's Coastal Zone Act by obtaining various  
17 permits from many other agencies, so, their attempts and  
18 FERC's, you know -- it looks like they're helping this along  
19 -- is what's brought pressure on the State of Delaware, a  
20 very small state, and I find that reprehensible on FERC's  
21 part.

22 No one told FERC, no one forced FERC to apply for  
23 a Coastal Zone status decision until we raised the issue  
24 here in Delaware and raised it very strongly. FERC did not  
25 tell them. I wrote to FERC and told them about that.

1 That's one of the reasons I intervened and told them that  
2 Delaware has a Coastal Zone law and it's being -- you're  
3 just thumbing your nose at it, and I still am very angry  
4 about that.

5 It's going to make it very hard here in Delaware,  
6 you know, for the Governor and for everybody to stick to  
7 their guns and say we don't want this project, because you  
8 have all these people -- look at the Coast Guard, DOT, I  
9 mean, all these folks who are helping Crown Landing to get  
10 this project that many of us here in Delaware don't want,  
11 and it's against our law.

12 The Coastal Zone Act has been our most important  
13 protection of the environment for our state for over 30  
14 years. It could be a model for other states that have  
15 coastal waters, but we believe that our state's Coastal Zone  
16 is unique in our country.

17 And why this is so important, as you've heard  
18 mentioned, we have very high cancer rates and we also have  
19 one of the highest cancer mortality rates in the country.  
20 We have, as the first speaker reminded us, we have quite a  
21 bit of industry up and down the Delaware and this is a very  
22 polluting industry, and we're fighting another issue right  
23 now about DuPont Edgemore, where DuPont Edgemore was allowed  
24 to have an illegal landfill on dredge foils that were put  
25 there by the U.S. Army Corps of Engineers.

1           Guess what? This doesn't end. There is going to  
2 have to be a massive amount of dredging for this project, if  
3 it goes forward, and you're going to have people disobeying  
4 the law, just like you're seeing here, and we're going to be  
5 trying to play catch-up afterwards to protect ourselves, to  
6 make sure that we don't have to bear the burden.

7           You know, it's not our tax dollars, and that was  
8 not clear yesterday at the hearing, who was going to pay for  
9 all of this, all these tugs and this and that and everything  
10 else, and the fire boats and how Crown Landing has tried to  
11 buy off the fire companies that are going to go out there  
12 with little boats to try to put this fire out. Sure, you  
13 know, we'll believe that when we see it. Hopefully, we'll  
14 never see it.

15           The Draft Environmental Impact Statement states  
16 that the decision, quote, "The decision of whether to issue  
17 the permits -- " that's the Department of Army and the  
18 Rivers and Harbors Act -- "will be based on evaluation of  
19 the probable impacts, including cumulative impacts of the  
20 proposed projects on the public interest."

21           So far, we haven't seen any concern on the  
22 federal level about the public interest, at least not here  
23 in Delaware.

24           The Environmental Impact Statement goes on to  
25 declare that FERC will consider many factors, including,

1 quote, "the needs and welfare of the people." Now, again,  
2 I'd like to see it.

3 I urge FERC to recognize the needs and welfare of  
4 the citizens of Delaware and the value that we place on the  
5 protections afforded by our Coastal Zone Act, and not to  
6 proceed with any issuance of permits, until Crown Landing  
7 complies with the mandates of our Delaware Coastal Zone Act  
8 and locates its proposed project elsewhere. Thank you.

9 (Applause.)

10 MR. KOPKA: Our next speaker is Max M. Levy.

11 MR. LEVY: Thank you. My name is Max M. Levy, L-  
12 E-V-Y. I live in New Castle County.

13 About 35 years ago, I was in charge of the  
14 siting, design, construction, and operation of the Cove  
15 Point LNG terminal in Maryland. I have come here to discuss  
16 pages 4-105 to 4-116 of the Draft Environmental Impact  
17 Statement, which purport to provide the socioeconomic  
18 impacts of the project.

19 In my view, this entire section must be rewritten  
20 and expanded, if it is to be of value. I should point out  
21 that the most important document affecting this project has  
22 apparently not been prepared, or if it has been, it's not  
23 been made public.

24 I am speaking of the OP Plan for the Delaware  
25 River and Bay, which is Coast Guard-ese for the rules to be

1 followed when an LNG tanker traverses this waterway.

2 The OP Plan is the responsibility of the Captain  
3 of the Port of Philadelphia. Although it is important to  
4 note that the Coast Guard's emblem appears on the cover of  
5 the FERC DEIS, no member of this organization is listed in  
6 Appendix H, the list of preparers.

7 This is very unfortunate. The OP Plan will most  
8 likely include the need for the Coast Guard to escort the  
9 loaded LNG tanker from the time it enters Delaware Bay until  
10 it reaches the terminal. In addition, a safety zone around  
11 the LNG tanker will be maintained.

12 The OP Plan will include other requirements. It  
13 is fair to assume that the OP Plan will contain rules  
14 similar to ones for Boston Harbor.

15 For example, I think it is likely that the Lewis-  
16 Cape May Ferry will have to cease operations until the LNG  
17 vessel has passed. What monetary impact this may have, has  
18 not been provided.

19 It is suggested on page 4-172, that the Coast  
20 Guard's OP Plan will likely include the mandatory shutdown  
21 of the twin Delaware Memorial Bridges when a loaded LNG  
22 tanker sails under the two spans.

23 The time indicated in the DEIS is for one to  
24 three minutes. This is laughable. As a tanker approaches  
25 the Bridges, the traffic will have to be halted in both

1 directions for at least ten to 15 minutes, and perhaps  
2 longer, before the expected arrival of the tanker at the  
3 southernmost Bridge. This is to ensure that no vehicles  
4 will be on the Bridges when the tanker sails beneath.

5 When this is added to the one to three minutes  
6 required for the tanker to clear the Bridges, means that the  
7 Bridge traffic will be halted from 11 to 18 minutes, by my  
8 reckoning.

9 Information I have obtained from the Delaware  
10 River and Bay Authority, indicates, on average, 86,000  
11 vehicles cross the Bridges each day. During the, say, 15  
12 minutes that the Bridges will be closed to allow LNG tankers  
13 to pass, approximately 900 vehicles, on average, would be  
14 stopped. Of these, about 100 would be trucks. It is  
15 estimated that the service cost to a truck owner is about  
16 \$200 per hour, and to the driver, \$70 an hour, thus, the  
17 closure of the Bridges occasioned by the LNG tanker, would  
18 cost these trucker approximately \$7,000, not an  
19 insignificant sum.

20 Using an annual estimate of 180 LNG tankers, the  
21 truckers would lose about a quarter of a million dollars per  
22 year. Who is to reimburse these truckers for this loss?  
23 BP? I think not.

24 It is clear to me that the Bridge personnel are  
25 going to have to police the Bridges to prevent sightseers

1 from stopping to watch the LNG tankers sail beneath. Also,  
2 in regards to the Bridges, those engaged in their  
3 maintenance, would probably be required to leave the Bridges  
4 upon the arrival of the LNG tankers, and since there is  
5 concern for the potential for terrorist activities such as  
6 dropping an explosive from the Bridges onto the LNG tankers,  
7 the Bridges must be evacuated.

8 It seems to me that several lanes of the Bridges  
9 are closed for maintenance with some high degree of  
10 regularity. If these workers are required to evacuate --  
11 and I feel that it is only good judgment for them to do so --  
12 - the cost of maintenance will increase, perhaps  
13 dramatically, and I wonder if the Delaware Bay Authority is  
14 aware of this potential.

15 I now want to quote from page 4-111, and I quote:  
16 "Given the current volume of commercial ship traffic on the  
17 River, delays are expected to be minor, based on a ship  
18 traffic study by Crown Landing..." which I'm sure is  
19 impartial.

20 (Laughter.)

21 MR. LEVY: "... the total annual delay to the  
22 ships other than the LNG tankers, is five hours for most  
23 vessels, and 22 hours for barges, per year."

24 As I read the foregoing, between 3200 and 3300  
25 ships that traverse the Delaware waterway, will experience a

1 total of 16,000 hours of delay. This is equivalent to 660  
2 days, almost two years. These are not minor delays.

3 Certainly, the delays portend a serious economic  
4 impact that should be provided in the socioeconomic  
5 discussion, to be meaningful. As a aside, the discussion on  
6 cruise ships is ludicrous, since there are so few on the  
7 Delaware. Only 32 are planned for 2005.

8 To sum up, the socioeconomic section must be  
9 rewritten, if the public and BP are to understand and  
10 appreciate the impacts this project will engender. What we  
11 have now is sorely lacking. It is urged that FERC go back  
12 to Washington and develop a meaningful socioeconomic impact  
13 section, in concert with other agencies, and, in particular,  
14 the Coast Guard. Thank you.

15 (Applause.)

16 MR. KOPKA: Our next speaker is Bob Valihura.

17 MR. VALIHURA: Good evening. My name is Bob  
18 Valihura, State Representative, and with me is Senator Cathy  
19 Clutier (ph.), and Valihura is V, as in Victor, A-L-I-H-U-R-  
20 A. I want to thank FERC for having this opportunity for the  
21 community to express their views with respect to the Draft  
22 Environmental Statement that you have put out.

23 We have a very brief comment with respect to this  
24 draft report. There is a glaring error here that has to be  
25 brought out, and has been touched upon this evening.

1                   I want to just give you a little bit of  
2 background. This facility will be built in our district.  
3 Our respective district goes to the low mean water mark on  
4 the other side of the Delaware River, so this will be built  
5 in our district, and the concerns that we have are the same  
6 as expressed earlier this evening by Phil Cherry, and that  
7 is that this facility, the pier that we're talking about,  
8 will be built -- proposed to be built in violation of  
9 Delaware law.

10                   The Delaware Coastal Zone Act was created after  
11 years of environmental degradation in this state, and it  
12 took a lot of courage by our predecessors in the General  
13 Assembly to move forward and pass far-reaching legislation  
14 that will ensure that our Coastal Zone will be protected for  
15 generations.

16                   It is not something we should be fooling around  
17 with. Even though we're talking about something on the  
18 other side of the Delaware River, it is still Delaware and  
19 it is still our Coastal Zone.

20                   As you heard this evening, the Secretary of the  
21 Department of Natural Resources, has determined that this  
22 proposed facility violates our Coastal Zone Act. Yesterday,  
23 the Coastal Zone Industrial Appeals Board affirmed that  
24 ruling.

25                   We expect further challenges to it, and we expect

1 those challenges to be upheld. This report mentioned the  
2 Coastal Zone Act, and it makes recommendations therein, but  
3 it doesn't make any recommendations with respect to  
4 addressing our Coastal Zone Act.

5 It is a major flaw in this report, that there is  
6 no recommendation on how you're going to address Delaware's  
7 Coastal Zone Act. You have to address it, and I would  
8 suggest that there is no way, because it is an immovable  
9 object which you're not going to be able to get around.

10 You're either going to have one of two choices:  
11 Either you won't build it, or you'll have to build it  
12 somewhere else. Senator?

13 (Applause.)

14 MS. CLOUTIER: Catherine Cloutier, C-L-O-U-T-I-E-  
15 R, Delaware State Senate. I stand here in support of all of  
16 you who oppose this project.

17 I want it on the record that I do oppose the  
18 building of the pier, due to the fact that it is in  
19 violation of the Coastal Zone Act. Thank you.

20 (Applause.)

21 MR. KOPKA: Our next speaker is Mary Dougherty.

22 MS. DOUGHERTY: Hi, my name is Mary K. Dougherty,  
23 D-O-U-G-H-E-R-T-Y. I am the face of your mother, your wife,  
24 your child, and I am the face of Delaware.

25 I am also the face of 9/11 fear. I grew up here

1 in Claymont, and, after a 25-year absence, I have returned.  
2 We are a family area, we live in the shadow of refineries,  
3 of nuclear plants, and, from personal experience, I know we  
4 are a cancer cluster.

5 We have had enough. My reasons for questioning  
6 this project are many. Foremost is safety.

7 Fifty to 100 jobs is not worth potentially  
8 thousands of lives. Perhaps if New Jersey and BP so  
9 desperately want the project, the solution would be offshore  
10 unloading.

11 I'm a little nervous here, sorry. Perhaps BP  
12 could better serve themselves and our community by finding  
13 alternative sources of energy -- hydro, wind, and even soy,  
14 an abundant plant, is now being used as fuel for diesel  
15 engines, and it's a safer alternative.

16 I guess that my big fear here is our safety, and  
17 I don't think anybody on this Committee has taken into  
18 consideration, our safety and the safety of our children,  
19 and you will never, ever convince me that you can protect us  
20 from this.

21 (Applause.)

22 MR. KOPKA: Our next speaker is Dee Whilden.

23 MS. WHILDIN: Hi, my name is Dee Whildin, W-H-I-  
24 L-D-I-N, and I represent Adeline (ph.) Village, and we don't  
25 want it. We have all the chemical plants, we have the steel

1 mill, we have the other oil companies, we have Sun Oil, we  
2 have Tosco, and anything, god forbid, would happen, it would  
3 be a chain reaction.

4 It would be unbelievable. I mean, just the fact  
5 of the tanker having a problem, it would just be mass  
6 destruction here on the East Coast.

7 We have problems in my little neighborhood.  
8 There's maybe 235 families that live there, but we're under  
9 daily stress. We hear these explosions, we hear sirens  
10 going off.

11 Half the time, we're not -- nobody gives us an  
12 explanation of what's going on. And by the time -- it might  
13 happen on a Friday, maybe Monday, we'll get a big shot in  
14 from one of the companies, and they'll explain to us, well,  
15 that was an implosion down at the steel mill; that's when  
16 they put a hot piece of plate in a tank in hot fluid, and  
17 there's moisture on it.

18 This sounds like an atomic bomb going off. There  
19 have been people coming out in their nightclothes at 12:30  
20 at night.

21 So, the only thing that this is going to do for  
22 us as citizens, is make our life more stressful. It's  
23 already stressful enough.

24 Thank god for the Coastal Zone Act. I just hope  
25 that they're able to make sure that it works. Thank you so

1 much.

2 (Applause.)

3 MR. KOPKA: Our next speaker is John Reynolds.

4 MR. REYNOLDS: My name is John Reynolds, R-E-Y-N-  
5 O-L-D-S. My company is Rayson (ph.) and Reynolds. My  
6 comments will be brief, and I'll try not to repeat my  
7 comments from the past two hearings this week.

8 Because I have a maritime background, I'll speak  
9 in that area, and on my firsthand experience at other LNG  
10 facilities in the United States.

11 There are 140 LNG ships in the world that operate  
12 safely at 55 LNG plants in 12 countries. There is also  
13 another 150 that are being built or are on order, which  
14 demonstrates the need for LNG. They would not be building  
15 these ships, if we did not need LNG.

16 My company has been involved with about a  
17 thousand safe voyages of LNG in the United States, and there  
18 have been 35,000 safe voyages in the world, without a single  
19 loss of containment.

20 Last night, I told you that BP will be involved  
21 with the construction of three special tugboats for the  
22 terminal at a cost of \$30 million. This was their decision  
23 for safety, instead of using existing tugs, which one pays  
24 only for their hourly use.

25 I have a picture of the type of the type of tug

1 that will be used. I believe the company that operates  
2 these tugs, a representative is here tonight, and I expect  
3 that he'll make some comments concerning the safety of these  
4 tugs.

5 I personally believe the Delaware Memorial Bridge  
6 will not be closed when LNG ships pass under. As stated in  
7 a previous meeting, tankers carrying gas -- propane, butane,  
8 gasoline, and chemicals, pass freely under the Bridge, day  
9 or night.

10 With regard to my experience at other U.S. LNG  
11 facilities, I would urge you to visit those communities near  
12 an LNG plant. If you go to Baltimore, you'll find very  
13 expensive home around the facility where property values are  
14 skyrocketing.

15 You'll find a community that feels safe with the  
16 facility and the nuclear plant which is just up the road.  
17 Crown Landing will have a marine facility similar to the  
18 Baltimore facility, which has a ship dock that is run like a  
19 naval base.

20 There is a shore supply depot near local marinas,  
21 which move visitors, crew, and stores to the ship. It, too,  
22 is run like a navy base to screen everything that goes to  
23 the ship. Actually, this type of supply depot already  
24 exists on the Delaware and will be improved over the next  
25 three years.

1                   In conclusion, BP has been in the LNG business  
2                   for 30 years, and I believe we're fortunate that they are  
3                   the company spending the \$500 million in Logan Township.  
4                   The facility will further generate an overall regional  
5                   impact exceeding \$50 million. Thank you.

6                   (Applause.)

7                   MR. KOPKA: Our next speaker is Roy Jones.

8                   MR. JONES: Good evening to everybody. We just  
9                   heard a very interesting set of comments, and I'm the  
10                  coordinator for the South Jersey Environmental Justice  
11                  Alliance, and I'm also a member of the Northeast  
12                  Environmental Justice Coalition, which represents states  
13                  throughout the Northeast.

14                  The first speaker, he pretty much gave us a  
15                  proposition. He said -- and I'll try to summarize what he  
16                  said -- we have the choice between higher gas prices and  
17                  annihilation or higher gas prices and life. So I would like  
18                  to choose the second proposition, higher gas prices and  
19                  life.

20                  (Laughter and applause.)

21                  MR. JONES: He's a young guy, so he's going to  
22                  learn as he goes. And then the gentleman just before me,  
23                  you know, he didn't give us the whole story about BP, so I'm  
24                  going to give you the other side of the story about BP.

25                  And why is that important? Because in their nice

1 brochure, they say that "BP has the experience to make this  
2 the safest plan in the world," and they say, "Safety is our  
3 first concern, everywhere we operate," and I want to  
4 emphasize, "everywhere we operate." And he said they  
5 operate in 12 countries and all of that.

6 And the this report is saying "and we have 30  
7 years experience around the world, to make things safe and  
8 productive." And so I'm going to give you the history of  
9 BP, and this is the history:

10 In 2003, in Orange County, California, they were  
11 cited for \$319 million in violations, air pollution  
12 violations -- \$319 million. And this federal agencies and  
13 state agencies citing BP for violating their pollution laws.

14 So, this the other side of the story. Then  
15 between 1990 and 2003, BP was cited for 3,565 accidents as  
16 reported by the American Chemical Council, and they have a  
17 special reporting agency that you can go online and find out  
18 this data. So this is the other side to this story.

19 And then there's the issue of when they were  
20 fined, the California agency said, we are seeking more than  
21 \$300 million from BP because the Company committed thousands  
22 of violations involving excess air pollution while routinely  
23 submitting records to us that show they had no violations.

24 So you cannot trust BP. They had \$300 million in  
25 violations, and this is the other side of the story about

1 BP, and what can you expect then from their new plant here  
2 in this township -- well, actually in Logan Township, and it  
3 will affect this side of the River.

4 There are other -- in 2005, by the way, there was  
5 another incident by BP. They settled this case for \$81  
6 million, but in this Texas City event, 14 people were  
7 killed, 100 people were injured.

8 Then I could give you a list, as you talk about  
9 this new technology, and whether or not plants are safe, and  
10 then I just want to give you a very short list of some other  
11 accidents, industrial accidents, for people that don't  
12 believe that an accident can happen.

13 In 2004, in Texas City, again, two people were  
14 killed and they were fined \$109,000. And then in another  
15 Texas plant fire, 100 people were sent to the hospital, and  
16 then in 1993, in this Texas plant again -- not a BP plant,  
17 but another refinery type plant, this Company was fined \$20  
18 million in damages for just one worker who died.

19 By the way, Texas City was the biggest industrial  
20 disaster in American history where 576 people were killed.  
21 I hope you're with me on this issue.

22 And 576 people were killed, so I would rather  
23 choose life than death. I would rather choose not having  
24 all these jobs and this economic spinoff, and live, versus  
25 what they're telling us we should look forward to.

1                   The blast in this Texas City was so severe that  
2                   40 miles away, people in Houston, Texas, felt the blast and  
3                   were affected by it.

4                   In another incident in Brookwood, Alabama in  
5                   2001, 13 people were killed; in 1991, in a plant that dealt  
6                   with chickens, 25 people were killed and 49 injured; in  
7                   1990, Arco Chemical, 17 people were killed through an  
8                   explosion; in 1989 in Texas, Philips 66, 23 people were  
9                   killed.

10                  In 1987, at a plant during the construction, 28  
11                  people were killed. I want to remind you that in New  
12                  Jersey, in Atlantic City, where this new construction  
13                  technology was going on at the Tropicana Casino and Hotel,  
14                  five workers were killed and ten injured.

15                  And then I want to talk about that there's a  
16                  company or a group in Delaware that works out of Widner  
17                  University, and they filed a Notice of Intent to sue Sunoco  
18                  -- hear me now -- for the illegal and substantial releases  
19                  of dangerous air pollution in Claymont, Delaware.

20                  What was the extent of these releases? They  
21                  released 24,000 pounds a day of sulfur dioxide. Many people  
22                  may not know this, but you have been affected.

23                  And other volatile organic compounds, while there  
24                  was a big flare which also was burning was in this area, and  
25                  then General Chemical, which is connected to this Sunoco

1 plant, on March 29, they emitted 55,000 pounds per day,  
2 again, of sulfur dioxide, in violation of their air  
3 pollution control permit.

4 And the group that's filing this lawsuit or this  
5 intent to file, is called the Mid-Atlantic Environmental Law  
6 Center at Widner University in this area.

7 In closing, I want to talk about the worst-case  
8 scenario. I've tried to give you this impression that we're  
9 not safe from these plants that say they are safe. You  
10 cannot trust them.

11 This was a very short history, and I could go on  
12 for actually days, just citing industrial disasters, one  
13 after the other, with all of this new technology that we  
14 supposedly have.

15 But I want to talk about this worst-case  
16 scenario. Something may happen offshore here a bit, right  
17 off Claymont, a terrorist attack. Then you have a  
18 situation, because of all of the contaminated sites in  
19 Wilmington, Delaware, and all of the industrial plants in  
20 Claymont, in Chester, and in New Jersey and in Wilmington.

21 There will be a modern-day armageddon set off as  
22 a result of an explosion by that particular plant. Keep in  
23 mind that petrochemical companies, they are manufacturing  
24 chemicals, and so if a fire hits that, it multiplies,  
25 continues to multiply, and then all these oil refinery

1 companies, multiple explosions. There will be no more  
2 Claymont, Delaware; there will be no Wilmington, Delaware,  
3 and there certainly won't be a Chester. Chester is at the  
4 epicenter of this issue, and I spoke about that tonight -- I  
5 mean, last night, that some of the poorest people in this  
6 region are facing the most horrendous contamination and  
7 pollution that you can imagine, and that kids in Wilmington  
8 and Chester are being affected by all of these industrial  
9 plants.

10 So I'm trying to make this case that you cannot  
11 trust BP, because I've cited some of their record, and, I  
12 repeat, some of their record. But any time you violate the  
13 law 3,565 times, you have a serious problem as someone as a  
14 good neighbor.

15 So why would they locate here and, all of a  
16 sudden, do the right thing? Why? Why would they do that?

17 They are making money, they are going to continue  
18 to make money, and poor whites, blacks, and hispanics,  
19 middle-income blacks, whites and hispanics, we will go all  
20 up in the same flame, we will all die together. That type  
21 of explosion will not be discriminatory. You will go, I  
22 will go, your children will go, other people will go, and  
23 it will just be horrible, the consequences of this  
24 particular plant.

25 So, this board should take this back and take

1 into consideration that in Claymont alone, there are 158 EPA  
2 facilities that they regulate, that deal with hazardous  
3 waste, hazardous materials, all kinds of things that will  
4 kill you. So, if you set fire to it, it will be an awful  
5 day, an awful day for all of us. Thank you very much.

6 (Applause.)

7 MR. KOPKA: Our next speaker is Irene Murray.

8 MS. MURRAY: I'm Irene Murray, and I'm here  
9 because I don't want BP to use the Delaware River as their  
10 floating pipeline. Delaware's Coastal Zone Act has been  
11 upheld. Delaware citizens cannot expect that the threat of  
12 LNG shipping tankers will be going away.

13 BP has considered seven other sites, and  
14 Philadelphia may invite LNG shipping, and with 40 new  
15 docking facilities planned on American coasts, it is time  
16 for the petroleum industry to consider proper piping  
17 infrastructure, instead of deadly consequences of  
18 threatening transportation.

19 It is not necessary or right that the Delaware  
20 River become the cheap and dirty LNG pipeline, threatening  
21 local populations. The Sandia Report indicates that a  
22 terror attack on an LNG tanker could cause a fire so hot  
23 that it would damage structures and burn skin at a mile  
24 away.

25 Attacks on ships could also include sabotage,

1 insider threats, external attacks, hijacking, small missiles  
2 and rockets, bulk explosions. The Sandia Report discusses  
3 the breach of an LNG compartment, causing hypoxia of  
4 cognitive abilities, asphyxiation to crew members, cascading  
5 fireballs, fire pools, steel and weld damage, ship  
6 structural fracture from thermal insult, insulation damage  
7 to other LNG compartments, and vessel destruction.

8 The Sandia Report is a generic report, and does  
9 not include site-specific environments, infrastructures, or  
10 actual populated areas, but considers spills over water.  
11 With Delaware's shipping channel being a mile from three  
12 nuclear power plants, with a floating cloud event, with a  
13 3,000-degree fireball capable of approaching three nuclear  
14 reactors, the possibility of three nuclear meltdowns must be  
15 fully explored.

16 One could conclude that if a fireball could  
17 damage and LNG vessel, a fireball or fire pool or ignition  
18 of a floating gas cloud, could damage steel piping, welds,  
19 wiring, communications, operations, structural integrity, et  
20 cetera, of three nuclear power plants.

21 The State of Delaware could become a security  
22 nightmare in the worst-case scenario. If various petroleum  
23 corporations use the River as a cheap alternative for a  
24 pipeline, the industry and our government can halt marine,  
25 air, railway, roadway traffic, and people.

1                   We have recently learned that security for an oil  
2 tanker at dock was unattainable. We can be certain security  
3 of a threat-free radius surrounding each LNG tanker as it  
4 approaches and passes the cluster of three nuclear power  
5 plants, the Memorial Bridges, hazardous stockpiles, and  
6 highly-populated areas, will be unattainable.

7                   The Coast Guard is preparing for terror.  
8 Industry and government should have to honestly inform  
9 officials and the people as to the actual dangers of an  
10 accidental, intentional, or security lapse incident along  
11 the River, so people can prepare to defend themselves in an  
12 open and informed way.

13                   An LNG tanker could take miles to stop. I hear  
14 it's five miles. If a tanker is headed towards a nuclear  
15 power plant, with a serious breach by accidental, neglect,  
16 or intentional damage, it could be too late for security.

17                   The onboard crew could face being asphyxiated;  
18 the fireball could occur, or the floating gas cloud could  
19 further approach the three nuclear plants for an ignition  
20 point.

21                   If a fireball occurs, there could be a loss of  
22 tanker personnel, meltdown of LNG compartment insulation,  
23 breach of material on remaining compartments, and as to the  
24 vessel, loss of all controls, with no emergency response  
25 possible.

1                   Remaining LNG compartments could breach from the  
2 heat of the 3,000-degree fireball, causing the fireball to  
3 burn even hotter and for a longer duration.

4                   The Sandia Report calls an LNG tanker, a target.  
5 Forty-five million gallons of LNG is a spectacular target  
6 known around the world, and to ten of thousands of newly  
7 created potential terrorists.

8                   A major petroleum company has insisted it should  
9 bring these dangers along our River. Airline security  
10 doesn't allow a can of hair spray on an airplane. Have a  
11 look at the possibilities of bringing 45 million gallons of  
12 LNG in a tanker to populated areas, along railways,  
13 highways, parks, other vessels, industries, refineries,  
14 nuclear reactors, petroleum tank farms, et cetera.

15                   To visualize the size of this threat, imagine 45  
16 million gallons of natural gas on one ship and multiply that  
17 by 610 ships.

18                   Each ship is three footballs fields in length.  
19 That is how much natural gas is compressed onto one 45-  
20 million gallon LNG ship. The huge quantity of the product  
21 is the problem. Shipping these quantities through areas of  
22 centuries of community and industrial development, turns  
23 target tankers into weapons of mass destruction, thus, the  
24 recent Homeland Security would be involved.

25                   One would think to not bring weapons of mass

1 destruction to American communities and businesses, would be  
2 the first priority of Homeland Security. Why doesn't  
3 industry and government simply invest in finding safe ports,  
4 tying new pipelines into existing pipelines, rather than  
5 creating and spending hundreds of millions of taxpayers'  
6 money on security with built-in possibilities of failure?

7           The petroleum industry pursues their desire to  
8 use our Delaware River as their cheap and dirty route,  
9 instead of pipeline and proper transport. The environment  
10 is threatened and so are the people.

11           The truth is, LNG tankers are subject to  
12 accidental, intentional breach, and also negligence in  
13 oversight by crews, mariner support organizations, the Corps  
14 of Engineers, the Coast Guard, and Homeland Security.

15           The huge quantities of LNG and the terror target  
16 presentation surrounding shipments, will attract and provide  
17 breach opportunities that may not or cannot be detected or  
18 controlled.

19           The generic Sandia Report refers to public deaths  
20 and/or injuries, as consequences. The people of the area  
21 are entitled to actual studies of their specific area, the  
22 range of damage of three nuclear power plants that would be  
23 affected by the presence of LNG tankers, and by all LNG  
24 release scenarios.

25           How can our representatives accept non-

1 localized, generalities when discussing fire ball public  
2 deaths, even within two miles of this target? Why should  
3 real scenario studies involving citizens' deaths not be done  
4 and/or withheld, when planners know that withholding vital  
5 information, directly results in benefitting the petroleum  
6 industry's case for life-threatening shipping?

7 Are people even being considered? People should  
8 be warned to prepare for terror events, not have events  
9 enabled and kept secret by their own government.

10 The Bush Administration told us we were going to  
11 war because of threats of weapons of mass destruction.  
12 Again, no weapons of mass destruction were found in Iraq.  
13 Why should our Government bring weapons of mass destruction  
14 to Delaware?

15 We invite terror with weapons of mass  
16 destruction, and consider petroleum products before public  
17 safety, to invite them -- to invite terror with weapons of  
18 mass destruction and consider petroleum products before  
19 public safety or homeland security threats.

20 That is why all the homeland security will be  
21 necessary. The greed is too great and the security is  
22 impossible.

23 Think of the towns -- Delaware City, New Castle,  
24 Wilmington, Belfont, Claymont, also New Jersey's and  
25 Pennsylvania's towns. People have been working hard to

1 bring life to their towns.

2 The planning of the petroleum industry profits  
3 should not include planning of catastrophic event  
4 possibilities. One keeps visualizing a scale, shortcut on  
5 transporting LNG equals more profits. Populated route and  
6 docking area, more deaths for the public, cheaper hazardous  
7 route, widespread disaster.

8 Plans for huge profits are being drawn up as  
9 thousands of lives are being put in harm's way. Threatening  
10 Americans does not have to be part of bringing natural gas  
11 to America.

12 The threat comes from the size of the shipments,  
13 the existing hazardous conditions, the disregard for  
14 heavily-populated areas, the possibilities of accidents,  
15 negligent oversight, intentional opportunities, all adding  
16 up to overall unsafe planning and disregard for citizens'  
17 lives.

18 Mariner organizations continue unsafe shipping  
19 practices of hazardous shipments, terrorism is not  
20 preventable, and no huge opportunities for terrorists are  
21 being considered by our own Government.

22 Security is not achievable. Our Government  
23 should be involved in creating safe, remote docking areas  
24 and needed pipelines, not being involved in enabling the  
25 least secure route.

1                   There are homes, schools, towns, refineries,  
2 abandoned chemical plants, toxic dump sites, nuclear  
3 reactors, tank farms, and more, lining the Delaware River.

4                   If citizens want to avoid having their lives put  
5 in danger, they already have to face loss of property  
6 values. Property values will drop until people hear they  
7 are secure from our own Government's plan to bring weapons  
8 of mass destruction to their doorsteps.

9                   Want to purchase a home in a fire ball area, a  
10 firepool area, a gas cloud radius, a dioxin radius or a  
11 nuclear radius? No thank you.

12                   An LNG spill event could mean economic collapse,  
13 as well as physical ruin for Delaware. Should Delawareans  
14 have to give up their lives and property to add profits to  
15 an industry, rather than the industry building a safe  
16 infrastructure from the start?

17                   How would insurance coverage be affected? Higher  
18 rates? And who would still be around to collect?

19                   At this very time, LNG tanker bulk transfer  
20 facility plans are targeting populated coastal areas around  
21 America. Many of the areas targeted with tankers, are  
22 clustered in the Northeast and West Coast, and a nationwide  
23 study needs to be done of the demographics of this targeted  
24 populations.

25                   The present Administration is turning tankers

1 into weapons of mass destruction by bringing them to chosen  
2 communities, and, again, catering to petroleum profits. No  
3 one is against the product being brought to America, just  
4 the industry's and Government's threatening insistence of  
5 shipping LNG tankers up every last mile of river, past  
6 conflicting uses, to threaten populated areas.

7 The proper locations of bulk transfer facilities,  
8 could keep breach from becoming a disaster. Proceeding with  
9 the infrastructure that properly protects all citizens,  
10 should be the American thing to do.

11 As petroleum products aim for American shores,  
12 the hostile aggression is evident through the forceful  
13 insistence that 45 million gallons of targeted LNG, travel  
14 along the hazardous route of populated areas, nuclear  
15 reactors, toxic stockpiles, industries, tank farms,  
16 refineries, major highways, East-West Corridor railways,  
17 along Delaware, New Jersey, Pennsylvania, as at other  
18 locations around the country, threats of death and  
19 destruction of the public are being weighed against the  
20 bottom line of the petroleum industry.

21 Our Delaware River is the cheap and dirty  
22 petroleum product delivery system for the petroleum  
23 industry, as recently proven by a one-quarter million gallon  
24 heavy oil spill by a permitted, single-hull tanker in the  
25 unsafe, unmonitored River bottom.

1                   Within days, our local government officials  
2 resumed filthy, unsafe, unmonitored shipping business as  
3 usual, right on through the oil spill.

4                   These are catastrophic events waiting to happen.  
5 They already knew they could not find a 13-foot diameter,  
6 11-ton dropped propeller, dropped by the Corps of Engineers  
7 in a pinpointed area. That was clue enough that they were  
8 operating in the blind.

9                   Mariner organizations, the Corps of Engineers,  
10 the Coast Guard, Homeland Security, have failed by allowing  
11 the breach of a single-hulled tanker. They have not changed  
12 the single-hull requirement for toxic tankers.

13                   DNREC and environmental legislative committees  
14 are well aware of the present-day hazards of single-hull  
15 shipping in the blind channels, yet they have violated all  
16 common sense and continued to do the exact same types of  
17 shipping.

18                   They were unaware of and couldn't find the 11-ton  
19 anchor, a 15-foot pipe, an 8'x4' cement block, all potential  
20 ship-ripping objects in the confined area, but if LNG comes  
21 up the Delaware River, hundreds of thousands of citizens  
22 would have to depend on them to find terrorists in hundreds  
23 of miles of impenetrable marshlands, river banks, parklands,  
24 abandoned sites, boats, waterfront homes, tributaries, the  
25 River itself.

1 More objects have been found in the shipping  
2 channel four months later. The question of whether the  
3 ship-slicing objects in the shipping channels are terrorist-  
4 placed objects, has not been answered.

5 Perhaps our government does not want to admit  
6 that eliminating security-threatening objects from being  
7 dropped in the shipping channel, is impossible, and yet the  
8 petroleum industry and government press forward with plans  
9 of huge target cargoes.

10 Millions of Americans across the country have  
11 common threats of these weapons because government officials  
12 consider death and injury to citizens as consequences, as  
13 you'll read in the booklets. Now is the time to create new  
14 laws to protect the public as part of a safe and clean  
15 environment, and to encourage safe planning for LNG, and not  
16 threaten Americans.

17 Now is the time for public officials to make sure  
18 Delawareans have a safe environment in which to live.

19 (Applause.)

20 MR. KOPKA: Our last speaker who signed up is  
21 Frank Huesser. Frank?

22 MR. HUESSER: My name is Frank Huesser, H-U-E-S-  
23 S-E-R. I'm Vice President and General Manager of McAllister  
24 Towing Company, a family-owned towing company since 1864.  
25 We own and operate 85 tugboats up and down the Eastern

1 Seaboard. Our specialty is docking and sailing vessels.

2 At present, we dock all the LNG tankers that go  
3 into Cove Point. We use the state-of-the-art tractor tugs,  
4 which are 6,000 horsepower.

5 They can produce up to 11,500 gallons of water or  
6 foam per minute -- per minute. All the crews are trained to  
7 work around LNG tankers.

8 We'd have the capacity to stop an LNG tanker, if  
9 it should lose steering. These tugs are state of the art.

10 McAllister Towing supports this project. We  
11 don't see any problems in docking the vessels at Crown  
12 Landing. It's a typical docking.

13 We have the state-of-the-art equipment. If  
14 you're worried about the tugs and docking and sailing the  
15 vessel in the Cove Point, Marcus Hook area, I can tell you  
16 right now that I've been on this River for 35 years with  
17 McAllister towing, and the LNG projects are the safest ones  
18 around, and they get the state-of-the-art equipment. Thank  
19 you.

20 (Applause.)

21 MR. KOPKA: Would anyone else like to speak  
22 tonight? Sir, way in the back?

23 MR. ROCHFORD: My name is Dennis Rochford. I'm  
24 President of the Maritime Exchange for the Delaware River  
25 and Bay. My name is spelled R-O-C-H-F-O-R-D.

1 I do intend to submit written testimony by the  
2 18th of April, to address, candidly, some of the issues that  
3 were raised here today with respect to the navigational  
4 infrastructure of this River, in order to be able to  
5 accommodate these vessels as they come up the River.

6 The Maritime Exchange supports this project, but,  
7 more importantly, by participating with the Coast Guard and  
8 other federal agencies as they work through their process,  
9 so that ultimately the Coast Guard, the Corps of Engineers,  
10 NOAA, and the other federal agencies, along with industry  
11 and the environmental community, are able to come to a  
12 satisfactory conclusion with how -- with which how they  
13 would deal with and operate on the Delaware River. I will  
14 submit that electronically. Thanks.

15 (Applause.)

16 MR. KOPKA: Tony?

17 MR. SPADACCINI: I'll be short. My name is Tony  
18 Spadaccini. That's S-P-A-D-A-C-C-I-N-I.

19 I'm an Administrator of LNG Focus. I'm a  
20 resident of Logan Township, New Jersey, and I'm against this  
21 project.

22 I would like to thank DNREC and the officials in  
23 Delaware for having the courage and conviction to fight for  
24 the rights and safety of your residents.

25 I live in a township where my Mayor won't even

1 respond to me -- won't even respond. And then we've got a  
2 loud-mouth politician whose name is -- he's a State  
3 Assemblyman, and he's my State Assemblyman; his name is John  
4 Bertocelli.

5 He threatens Delaware. Well, at the Delaware --  
6 at the Logan Township scoping meeting, one of the gentlemen,  
7 one of our Township members and residents, offered to  
8 boycott John Bertocelli, which hopefully we'll get him out  
9 of office for you.

10 BP's safety and environmental history was touched  
11 on by Mary Anne McGonegal and Roy Jones. I won't go into  
12 detail, but I'd just like quote something that just occurred  
13 to me. I used it years ago, and Billy Waylou (ph.) said,  
14 "Trust is a must or your game is a bust."

15 And BP's game is a bust, okay? I found that out  
16 on March 10th, 2004, at the official open house in Logan  
17 Township, and my opinion has not changed.

18 I'd just like to quote something that Mr. Jones  
19 said: "While BP did not admit wrongdoing or failure to  
20 maintain storage tanks or falsifying inspection reports, BP  
21 did pay \$81 million to settle." That's a lot of money for  
22 not being guilty.

23 One other thing that I'd like to touch on, too,  
24 is that Phil Fuhrman mentioned something about the tankers,  
25 how the outer hull is one inch, and the inner hull, which is

1 eight feet away, with a lot of water in between, is one  
2 inch, but did anybody ever think of why they call them  
3 membrane tankers?

4 Membrane is very thing. Well, there's a high-  
5 nickel alloy, which is one of the only metals that can  
6 handle this low temperature. Steel would fracture. As BP  
7 has in their documentary, they put a little rose in their  
8 liquid and it fractures when they take it out.

9 Well, steel would do the same thing, but nickel  
10 alloy doesn't, but the problem with the nickel alloy that I  
11 see is that it's only three millimeters thick. That's an  
12 eighth of an inch in American, you know; that's all there is.

13 So you've got 35 or 40 million gallons and an  
14 eighth of an inch of high-nickel alloy, combustible  
15 polystyrene foam, a little bit of support from some plywood,  
16 another nickel alloy, and that's it.

17 So I would just like to go on record again as  
18 saying that I'm against this thing, and I think it's time  
19 for the FERC to realize that BP is not the appropriate  
20 company to run an LNG terminal.

21 (Applause.)

22 MR. KOPKA: Anyone else who would like to speak?

23 MR. MULLER: My name is Alan Muller. I'm  
24 Director of Green Delaware. I have already spoken or  
25 offered some thoughts at the FERC meeting on Tuesday in

1 Swedesboro, New Jersey, and I'm not going to repeat all that  
2 I said there, but I would like to repeat a few thoughts for  
3 the benefit of this audience.

4 The issue that, as I understand the issue that  
5 the Federal Energy Regulatory Commission is actually seeking  
6 comment on, is the adequacy of the Draft Environment Impact  
7 Statement; am I correct? So that's the legal or technical  
8 issue.

9 In our view, the Draft Environmental Impact  
10 Statement is inadequate in numerous respects, particularly  
11 in its failure to look at alternatives to the proposed  
12 facility. And, frankly, we don't find that very surprising  
13 because we understand the FERC to be very closely tied to  
14 the industry that it's supposed to be regulating, and we  
15 understand that the Environmental Impact Statement was  
16 prepared by the FERC, rather than an independent entity.

17 So it's an interesting report; it has a lot of  
18 stuff in it, but it's not a sound basis for making a  
19 decision on whether this facility is acceptable.

20 There is a somewhat similar facility proposed at  
21 Fall River, Massachusetts. It's a little bit further on in  
22 the process, and FERC has developed an Environmental Impact  
23 Statement for that facility, and it's remarkably similar to  
24 this one.

25 What I want to bring to your attention here is

1 that the City of Fall River has petitioned the Coast Guard  
2 to establish an exclusion zone around tankers as a safety  
3 measure. And the point that they make -- and I'll read you  
4 a paragraph:

5 "The Department of Transportation has issued  
6 regulations establishing thermal radiation and  
7 flammable vapor cloud exclusion zones for the  
8 protection of the public against the dangers of  
9 LNG spills on land. The danger to the public  
10 from an marine spill from an LNG vessel is no  
11 less credible or serious than that from a spill  
12 on land. The public requires protection against  
13 LNG spills, regardless of whether they occur on  
14 land or water. Therefore, the exclusion zone  
15 should be applied to marine spills, just as they  
16 are applied to spills on land."

17  
18 Now, this might seem like a no-brainer, but if  
19 one looks at the record of this, we find objections to this  
20 notion that have been filed by the Center for Liquified  
21 Natural Gas by British Petroleum and by other various  
22 industry sources.

23 And it seems to me that if it was the desire of  
24 the industry to produce a truly safe facility, they wouldn't  
25 be opposing common-sense measures to ensure that safety.

1 And that is, in fact, happening.

2 The Attorneys Generals of Rhode Island and  
3 Massachusetts have filed in this case, supporting this  
4 petition, and we have written to the Attorney General of  
5 Delaware, urging her to do the same. We haven't received a  
6 response, but I presume we will.

7 But at this time, it seems very clear to us that  
8 the regulations and the ground rules under which this  
9 facility would be operating, are not sufficient to ensure  
10 the safety of the public, and, under those circumstances, it  
11 ought not to be allowed to go ahead.

12 Yesterday, some of us -- and I'm not the only one  
13 -- spent eight or nine hours yesterday at a hearing held by  
14 the Delaware Coastal Zone Industrial Control Board on BP's  
15 appeal of Delaware's denial of their possibility of building  
16 the facility at the proposed location.

17 And after listening to hours of testimony from BP  
18 in defense of their proposal, that Board unanimously voted  
19 to uphold the position of the Delaware Department of Natural  
20 Resources, that the facility could not be built in the  
21 proposed location.

22 The Federal Energy Regulatory Commission has  
23 responded to this sort of local opposition by seeking  
24 legislation to override state objections, so it is the  
25 desire of the Federal Energy Regulatory Commission to deny

1 Delaware the opportunity to have a say in whether this  
2 project goes ahead.

3 In my opinion, you ought not to be doing that.  
4 You ought to be respecting the views of local communities.

5 And the issue here from our point of view, is not  
6 whether LNG should be imported, although that certainly is a  
7 debatable question; it's simply that these kinds of  
8 facilities should be located in truly isolated locations  
9 where they won't endanger people.

10 They can be located on offshore buoys or  
11 platforms or in remote locations, but certainly not in  
12 places where the pass up a crowded ship channel, within a  
13 few hundred yards of public areas where terrorist attacks  
14 could be launched from, under the Delaware Memorial Bridge,  
15 there to terminate -- and we visited this site -- directly  
16 opposite a whole complex of oil refineries with burning  
17 flares.

18 The location and the proposed safety measures are  
19 just inappropriate and inadequate, so those are my comments,  
20 thank you.

21 MR. KOPKA: Thank you.

22 (Applause.)

23 MR. KOPKA: Would any one else like to speak?

24 Sir, yes?

25 MR. WHITEHILL: My name is Simeon Whitehill, W-H-

1 I-T-E-H-I-L-L. I live in Pennsylvania, but close to the  
2 Delaware state line and close to New Jersey.

3 Fuel is needed where there are people. Remote  
4 areas don't need energy. Remote areas is where the energy  
5 comes from. It comes from the North Slope of Alaska, or it  
6 comes from out in the middle of the Gulf of Mexico.

7 We need power. In Pennsylvania, we have coal.  
8 In Pennsylvania, we actually have some oil. Oil was  
9 discovered in Pennsylvania. We have some natural gas in  
10 Pennsylvania.

11 Delaware has a Coastal Zone Act. If the states  
12 got greedy about energy, what does Delaware have? You don't  
13 have a hill high enough to have a hydroelectric plant on or  
14 a windmill farm.

15 The nation, not just the Delaware Valley, but the  
16 entire nation, needs an energy supply, and the states have  
17 to work together to a handle the requirements.

18 Now, the people who don't like ships, fight gas  
19 pipes. Yesterday we went to the meeting in Chester, and the  
20 big problem there was a gas pipe. They're going to put a  
21 30-inch gas pipe through Chester, up to Brookhaven.

22 Everybody was all upset about the gas pipe. But  
23 you can't take a ship to Brookhaven; you have to put it in a  
24 pipe somewhere.

25 People talk about, well, let's do it offshore,

1 let's put a buoy off in the North Atlantic somewhere, 50  
2 miles off the coast of New Jersey and then we pipe the gas  
3 from that buoy through the coastal zone of New Jersey, up  
4 under the beach, bring the pipe the whole way across New  
5 Jersey and into Pennsylvania, maybe.

6 The states have to work together on these things.  
7 Delaware is very proud of their heritage and their coastal  
8 zone management, well, you know, I go to Louisiana and there  
9 are bumper stickers down there that say "Let the Yankees  
10 Freeze in the Dark."

11 (Laughter.)

12 MR. WHITEHILL: And that's what we're facing  
13 here. Maybe in the next ten years, we'll be all right, but  
14 the first gentleman that spoke tonight, nobody wants nuclear  
15 power plants in their backyard, no one wants coal-burning  
16 facilities in their backyard, nobody wants a field full of  
17 windmills in their backyard.

18 We need to have power, and natural gas-powered  
19 gas and steam turbines are the best, most economical source  
20 for it. We're still going to need petroleum in the form of  
21 oil for gasoline.

22 There's a few ideas about having -- making corn  
23 oil into diesel fuel and things like that, but that's --  
24 you're not going to want to do that, either. You're not  
25 going to want to have a tank truck loaded with corn oil

1 coming through your town next.

2 I appreciate the opportunity to speak tonight.  
3 These gentlemen have sat through a lot of reviews. They're  
4 here to listen to everybody and not to be singled out and  
5 have fingers pointed at them. Thank you.

6 (Applause.)

7 MR. KOPKA: Sir?

8 MR. TINDALL: Thank you. My name is Steve  
9 Tindall, and I'm a resident of the Fox Point area, which is  
10 the area --

11 MR. KOPKA: Spell your last name for the  
12 Reporter, please.

13 MR. TINDALL: My last name is Tindall, T-I-N-D-A-  
14 L-L.

15 And am the President of the Cragmere (ph.) Civic  
16 Association, and I'm the Environmental Chairperson of the  
17 Fox Point Association.

18 The Fox Point Area is the area between -- I don't  
19 know if it's been defined earlier, but it's the area south  
20 of Claymont to the City line, and north-south boundaries,  
21 east-west boundaries are I-95 and the Delaware River.

22 I think we're in a pretty good position to  
23 monitor this very closely or to have a great deal of  
24 interest in what's going on. I have been to a number of the  
25 meetings, and I've followed it closely.

1           And my comments are related to the fact that I  
2           have not had enough time to follow this as closely as I  
3           would like, because there's so many other pressing  
4           environmental issues in this area.

5           The industrial legacy in this area has not been  
6           kind to the area. It has been not kind to the Delaware  
7           River.

8           The entire area, from the state line to  
9           Wilmington, is essentially polluted with toxic wastes. I  
10          was at a meeting tonight that dealt with the toxic waste,  
11          500,000 tons of it in Edgemore, Delaware, on the banks of  
12          the Delaware River.

13          So I see this in the big scheme as just one more  
14          nail in the coffin for the Delaware River. I understand the  
15          needs and the economic concerns. I understand the need for  
16          energy, but I think that we have to draw the line somewhere,  
17          and I prefer to draw it right here.

18          I thinks this area is overburdened with the  
19          industrial pollution of a legacy that goes back over 100  
20          years. Those are my environmental feelings.

21          Also, the channel of the Delaware River is  
22          closest to the shore in the Fox Point Area. I'm sure this  
23          has been brought up about Fox Point Park, you know, where  
24          you can see the faces of people as they go by on the boats.

25          Sure, that would be an unlikely coincidence that

1 a school trip would be in the Park when something happened,  
2 some kind of industrial accident happens, but there's a lot  
3 of people within that kill zone, and they are very uneasy  
4 about it. I think I speak for them, that they are  
5 uncomfortable with this, and that their concerns need to be  
6 taken very seriously. Thank you.

7 (Applause.)

8 MR. KOPKA: Sir?

9 MR. MONICO: My name is Anthony Monico

10 MR. KOPKA: Could you repeat that and spell your  
11 last name?

12 MR. MONICO: Yes, my name is Anthony Monico, M-O-  
13 N-I-C-O.

14 Over the past several years in the area, I've  
15 tried to warn about problems in the (inaudible) situation,  
16 but people didn't listen. People won't listen, the people  
17 from these Energy Commissions won't listen.

18 Every year, a lot of boaters on this River have  
19 to share with the tankers every year. I mean, as a  
20 sportsman myself -- and this is something that a lot of guys  
21 -- I'm just bringing this to a lot of people's attention --  
22 a lot of us take out our 12-gauge shotguns and we want to go  
23 out do little hunting out around a lot of the refuge areas  
24 and everything.

25 I mean, if we're out there hunting and we're

1 trying to do the right thing, this is our tradition, this is  
2 our heritage, actually. I mean, we're out there with a 12-  
3 gauge in our boat, and then all of a sudden, one of these  
4 supertankers come up the Delaware River, well, we have to  
5 stop living because of this supertanker?

6 Or is the Coast Guard going to single us out and  
7 lock us up, because we've got a 12-gauge out there, and will  
8 they label us as a terrorist? This is something that needs  
9 to -- maybe (inaudible), you know, kind of real important  
10 situation, but what about the hunters?

11 I would like to see the Fish, Game and Wildlife  
12 people take out every one of their licenses, every person  
13 that goes out in a boat at 5:00 in the morning, and then how  
14 do you notify those people that are out in boats, small  
15 craft, that is, that one of their supertankers is coming up  
16 the River, and you have to get out?

17 How do you do that? I mean, this is just an  
18 iddy-biddy little problem right now, but somebody, in the  
19 long run, will wind up being put in jail because he's a  
20 terrorist. Now, this isn't terrorism; this is something --  
21 these supertankers, their hulls are too thin.

22 I mean, it's a health problem. My wife and I  
23 have special needs children in the home. My wife is in a  
24 wheelchair. She tried to get into this meeting tonight, and  
25 she couldn't.

1                   I'll be honest with you; if one of these  
2                   supertankers were to come up to New Castle County, and I'm  
3                   working in Wilmington, and how do I get to my wife in time  
4                   when she's in New Castle County, okay, to evacuate her out  
5                   of that home with one of these clouds of gas coming over the  
6                   house?

7                   How do I do that, as an adult, as a parent?  
8                   Really? I mean, I'm not going to be -- I'm not saying that  
9                   we don't need gas, but I do think we can offload this thing  
10                  offshore, away from the amounts of population.

11                  I mean, we don't need it around -- I mean,  
12                  there's so much industry on the Delaware River right now,  
13                  that I'll invite anybody in this room -- I've got a 14-foot  
14                  and a 16-footer right in my driveway.

15                  Come on down the house, and I'll pull the boat up  
16                  and I'll take you out there. You can see -- I'll sit there  
17                  all day long, and you count the tankers.

18                  I'll be honest with you; I was over at the Port  
19                  of Wilmington working. Do you know that Dole has up to a  
20                  thousand of those reapers (ph.) come in on them boats, and  
21                  not one of them are inspected right now.

22                  You pack a dozen people in one of them reapers,  
23                  with the right arsenal, you are going to have a lot of  
24                  problems. They already found one person in one of them  
25                  reapers out in California.

1                   Pack a dozen people with arms in with the wrong  
2 kind of knowledge, terrorists, and they make it across the  
3 ocean, and they go undetected. You just can't check every  
4 one of them reapers.

5                   Yes, the ones that they pack the bananas, the  
6 pineapples, and all that in, cargo containers -- it's a  
7 scary thing when you have to sit down and think about things  
8 like that going on.

9                   I mean, it's just impossible. You get a thousand  
10 of those containers on one ship, and they come into port and  
11 they sit out in the yard -- how do you check them all?

12                   Can the Coast Guard go aboard every one of these  
13 Dole or all these cargo ships that come up and down the  
14 Delaware River every day and check every reaper? Do you  
15 have the manpower available to do that?

16                   Sir? Do you have the manpower to check on any  
17 kind of terrorist activity amongst any vessel?

18                   MR. KOPKA: Sir, we're not here to answer  
19 questions.

20                   MR. MONICO: I'm just saying that this is one of  
21 my concerns. These ships coming in, I mean, there's all  
22 different kinds. They get a hold of the wrong ship, they  
23 get on the wrong side of one of their supertankers they want  
24 to bring in here with gas and all, and they launch an attack  
25 on that thing, we're all asking for problems.

1                   That's what a lot of my concerns are. Thank you.

2                   (Applause.)

3                   MR. KOPKA: Did anyone else want to speak? Sir,  
4 in the back?

5                   MR. MORAN: My name is Bill Moran, M-O-R-A-N. I  
6 operate a launch service by the name of Huber (ph.) Launch  
7 Service in Marcus Hook.

8                   As a launch service, we operate small boats,  
9 generally 40 to 50-foot boats. We run against the sides of  
10 large tankers pulling pilots off at night. We do this  
11 between tugboats.

12                   What we do in small boats is fraught with danger.  
13 There are all sorts of ways that my crews can get hurt  
14 operating in the vicinity of the tugboats, their wash, the  
15 large ships, and so on.

16                   We operate small boats, and, to be honest, we are  
17 a very small cog in a very large maritime wheel.

18                   I'll tell you, I really feel like I got spanked  
19 tonight. This is a tough meeting for the maritime guys.

20                   I don't think anybody is going to walk out of  
21 here feeling very good about what was said about us. We're  
22 honest people, hardworking people; we take risks, but we  
23 know the risks, also.

24                   To be perfectly honest, running up against the  
25 side of an LPG ship does not bother me any more than running

1 up against the side of a crude carrier or changing pilots in  
2 the middle of the night on some other ship running through  
3 anchorage.

4 It's just that what we do, as I said, is fraught  
5 with inherent risk. It's simply done.

6 If the large ships, the LPG ships do not cause --  
7 will not cause additional danger to us. None of my crew is  
8 going to have a problem operating.

9 There's been some questions to, you know, what  
10 happens to the maritime people? You know, are we here in  
11 support of this because it's going to be more money in our  
12 pockets?

13 To be perfectly honest, we service about 25 to 30  
14 vessels every week. The LPG ships are going to be an  
15 increase of two to three a week, perhaps. That's within the  
16 weekly variance, that three is within the weekly variance of  
17 five ships.

18 That doesn't make an incremental increase in my  
19 livelihood to make me come up here and perjure myself or  
20 anything.

21 As I've said in meetings before, I'm here because  
22 I believe this is a safe operation. It's an operation whose  
23 benefits are going to far outweigh the negative impacts, and  
24 I fully concur with the conclusion drawn by the first Draft  
25 EIS. Thank you.

1 (Applause.)

2 MR. KOPKA: Any one else?

3 MS. IMBURGIA: My name is Lisa Imburgia, I-M-B-U-  
4 R-G-I-A. I'm going to dispute your records, your shipping  
5 records that your ships have been safe all these years.  
6 That's not what we're worried about.

7 What we're worried about is the world we're in  
8 today. The Coast Guard is there to escort you up the River,  
9 and I believe that they would do it.

10 But they're probably (inaudible) with homeland  
11 security being what it is now, that it doesn't make sense to  
12 me that we would do something as risky as bringing these  
13 ships into neighborhood areas, so close to cities, so close  
14 to businesses, and to take so much risk with life.

15 I don't live in the area at all. I live well out  
16 of that area, but I do have concern for people that live  
17 along the shoreline and in those towns.

18 We, in this area, have oil companies and chemical  
19 companies, because they were established here when we lived  
20 in a different world. There were no such things as  
21 terrorists around then.

22 Now, even Sun Oil has special people monitoring  
23 the safety of their plant because of terrorists. I don't  
24 understand how anybody would want to bring those ships into  
25 this area when you have the end of the canal with all of

1 that wide area where no one lives.

2 You can bring a pipeline in and run a pipeline.  
3 Maybe it's an old fashioned way because pipelines run all  
4 through the country, but, you know, you don't really hear of  
5 those pipelines killing hundreds of thousands of people,  
6 which you have the potential of doing here.

7 We need gas, we definitely do. But if we're all  
8 dead, it's not going to do us any good. And there's none of  
9 this worth the sacrifice of our friends or our families for  
10 cheap gas. It's a fact of life that gas is going to  
11 increase next year, the year after next, and every year,  
12 just as it's done for as long as I can remember.

13 I'm originally from Western Pennsylvania. My  
14 father was a coal miner. My dad and my uncle worked mines  
15 in Western Pennsylvania. They are closed now because of  
16 safety regulations. It costs too much money to bring the  
17 coal out of the ground.

18 Coal miners have stopped mining coal in a lot of  
19 areas because of safety of people. We're asking you, for  
20 the safety of the people in this area all along the River,  
21 don't bring your ships up.

22 We're not saying that your ships are not safe;  
23 we're saying that the world is not, and it only takes one  
24 time to prove that it is a mistake. I understand how the  
25 people who have the tugboat companies feel. You do a

1 marvelous job.

2 I've met a lot of pilots from different  
3 companies, and I understand that your work is risky and  
4 dangerous. You choose to work on the River, but where do  
5 your families live?

6 You take into consideration, the families that  
7 live in the areas that (inaudible). Thank you.

8 (Applause.)

9 MR. KOPKA: Thank you.

10 MS. LAWSON: Margaret Lawson, L-A-W-S-O-N. My  
11 remarks will be brief, because I'm going to put a lot of it  
12 in writing and it will go online.

13 But we just saw your BP plant blow up, and it's  
14 very recent and very fresh in our minds. And I don't think  
15 you should persist in this project.

16 I'm in the zone. I'm about five or six blocks up  
17 from the River, and I feel very unsafe with this coming in,  
18 with all that we have here, as it is.

19 I think it would be like painting a bullseye on  
20 the area. We don't need it. Terrorism is a definite  
21 threat, and it's a clear and present danger.

22 Zero tolerance for accidents is what is needed,  
23 because human beings' lives are involved, and I don't see  
24 how you can guarantee this, and I ask you to not go through  
25 with this project. Thank you.

1 (Applause.)

2 MR. KOPKA: Would anyone else like to speak?

3 (No response.)

4 MR. KOPKA: Okay, I will be available to answer  
5 some general procedural questions after the meeting, and if  
6 some of the other agency representatives have time, they may  
7 stick around for awhile also.

8 Also, Crown Landing personnel are here tonight,  
9 and would probably be glad to speak to you, as well. I  
10 don't know if there is anyone here from Texas Eastern?

11 (No response.)

12 MR. KOPKA: It doesn't appear that there is.

13 I would like to thank all of the speakers tonight  
14 for their comments. And let the record show that this  
15 meeting ended at 9:42 p.m.

16 (Whereupon, at 9:42 p.m., the scoping meeting was  
17 concluded.)

18

19

20

21

22

23

24

25