



September 26, 2013

VIA ELECTRONIC FILING

Ms. Kimberley Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: Dominion Cove Point LNG, LP, Cove Point Liquefaction Project, Docket CP13-113
Need for the Commission to Conduct an Environmental Impact Statement**

Dear Secretary Bose:

On behalf of EarthReports, Inc. (dba Patuxent Riverkeeper); Potomac Riverkeeper, Inc.; Shenandoah Riverkeeper; Sierra Club; Stewards of the Lower Susquehanna, Inc.; and the Chesapeake Climate Action Network, we write to respectfully re-iterate our request that the Federal Energy Regulatory Commission (“FERC” or the “Commission”) conduct a full Environmental Impact Statement (“EIS”) for the liquefied natural gas (“LNG”) export facility being proposed under the above-referenced docket. As illustrated by the Commission’s most recent requests to Dominion Cove Point LNG, LP (“DCP”), there are serious gaps in the information needed to understand the potentially serious risks that this facility poses to the local community and environment. Given these information gaps, it would be premature for FERC to conclude that an environment assessment (“EA”) alone is appropriate for this project. Rather, given the LNG export facility’s potential for causing extensive environmental impacts at the local, state, and regional level we urge the Commission not to stop at an EA but to prepare a more comprehensive EIS.

DCP is proposing to construct a major new industrial facility in Calvert County, Maryland that likely will have significant environmental and public safety impacts. FERC’s most recent Engineering Information Request to DCP highlighted some of these potential impacts.¹ On September 3, 2013, the Commission sent DCP a lengthy list of 24 questions, many of which raise significant concerns about the risks the LNG export facility will pose to the local population. Some of the serious risks raised include the following:

- The potential that storing the propane, ethane, and condensate needed to run the facility in adjacent tanks could cause a boiling-liquid-expanding-vapor-explosion. FERC asked for more information about the “potentially harmful radiant heat level from a fireball” from an explosion. FERC also requested information about the distance such a fireball

¹ Letter from Kimberley Bose, FERC, to Amanda Prestage, DCP (Sept. 3, 2013).

would travel or DCP's mitigation measures to avoid a boiling-liquid-expanding-vapor explosion.²

- The potential for DCP's piping to leak hydrogen sulfide acid gas, which DCP plans on using to remove sulfur from the natural gas before liquefying and exporting the gas. FERC asked whether releasing hydrogen sulfide acid gas "would affect the public safety."³
- The potential for benzene to leak from the condensate storage tank. FERC asked how such a release "would affect the public safety."
- The potential for DCP's main cryogenic heat exchanger to spill, causing vapor to travel beyond the property line. FERC asked how far the vapor would travel within or beyond DCP's property line. DCP's facility is adjacent to Cove Point Park, which includes baseball fields, picnic areas, a swimming pool, and playgrounds.⁴ There also are a number of residential dwellings directly across Cove Point Road from DCP's property.
- The potential for flammable vapors to "reach multiple plant buildings."⁵ FERC asked how far a vapor cloud would travel, which plant buildings could be effected, and what safeguards DCP plans to implement to "prevent flammable vapors from entering the building."⁶ The public, and first responders in particular, need to understand how far the flammable vapors can travel. This information is key to understanding the potential fallout from a catastrophic event, as well as conditions first responders and the community might face in the event of an emergency at the LNG facility.

On September 24, 2013, DCP filed its responses to these questions. DCP withheld a significant portion of its responses – including information about whether or how DCP intends to address risks of any fireballs or boiling-liquid-expanding-vapor-explosions – from the public. According to DCP, its responses to these important questions bearing on public health and safety are "Critical Energy Infrastructure Information" ("CEII") that is not readily available. Individuals may request access to the material claimed as CEII but must sign a non-disclosure agreement and prove to FERC that they have a need for the materials. Information contained in CEII documents may not be disclosed to or discussed with anyone who has not been approved by FERC, including the public that could be exposed to the safety risks. In addition, many of the responses that DCP filed as "public" either refer to information contained in other documents that have been withheld from the public as CEII or state that the answers to FERC's request will not be provided until a later date.⁷ As a result, the larger local community that could be impacted by a release of hazardous, toxic, or flammable materials from the LNG facility will not be able to access or consider much of the information about these risks.

² *Id.*

³ *Id.* at 2.

⁴ See Calvert County, Maryland, Cove Point Park, *available at* <http://www.co.cal.md.us/Facilities.aspx?Page=detail&RID=1>.

⁵ Letter from Kimberley Bose, FERC, to Amanda Prestage, DCP, Enclosure at 3 (Sept. 3, 2013).

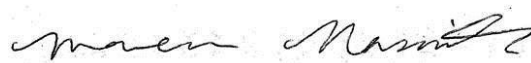
⁶ *Id.*

⁷ Letter from Amanda Prestage, DCP, to Kimberley Bose, FERC, Responses to Questions 2, 3, 4, 7, 9, 10, 12, 13, 14 (Sept. 23, 2013).

In addition, on September 20, 2013, FERC sent DCP a request from the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) for information to “assist PHMSA in its determination on the design spill criteria acceptable for use” in DCP’s application.⁸ The request made clear that PHMSA has not been provided with portions of the foundation underlying DCP’s LNG spill prevention plan. It also does not appear that PHMSA or FERC has seen any analysis of how DCP intends to prevent LNG from spilling into the Chesapeake Bay through the new pumps and associated piping DCP intends to use to transfer LNG from the facility’s storage tanks to the ships.⁹

These information gaps raise serious concerns about FERC and the local community’s understanding of the risks DCP’s LNG facility poses to the surrounding population. In addition, the potential environmental consequences from a release of the high volumes of hazardous and flammable substances DCP intends to use and store at its facility or a spill of LNG into the waters of the Chesapeake Bay strongly caution against FERC’s preparing only an EA for this project. At this stage, the Commission cannot conclude that an EIS is not required. On the contrary, the risks raised in FERC’s Engineering Information and PHMSA requests are significant and, taken together with the likely extensive water quality, air, wildlife, climate, upstream, and cumulative impacts that will arise from the construction and operation of the DCP LNG export facility, demonstrate that the Commission must prepare an EIS for this project.

Sincerely,



Moneen Nasmith
Associate Attorney

⁸ Letter from Kimberley Bose, FERC, to Amanda Prestage, DCP (Sept. 20, 2013).

⁹ *Id.* at Enclosure 1.