

RESOLUTION NO. _____

2020

OPPOSING THE OVERLAND TRANSPORTATION OF LIQUEFIED NATURAL GAS THROUGH THE CITY OF SCRANTON AND ITS SURROUNDING COMMUNITIES

WHEREAS, the City of Scranton (the "City") is the largest municipality in Lackawanna County and Northeastern Pennsylvania; and

WHEREAS, Section 203 of the City's Home Rule Charter authorizes the Council of the City ("City Council") to make and adopt legislation as may be necessary for the maintenance of the peace, health, safety and welfare of the City and its residents; and

WHEREAS, City Council believes it is a fundamental purpose of government is to protect the peace, health, safety, and welfare of citizens; and

WHEREAS, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania provides that, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment"; and

WHEREAS, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania further declares, "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"; and

WHEREAS, it has been reported to City Council that New Fortress Energy and its affiliated entities are planning the overland transport of Liquefied Natural Gas ("LNG", also known as liquid methane) by truck on public highways and by railcar on existing railways from a proposed liquefaction plant to be located in the Wyalusing Township, Bradford County, Pennsylvania (the "New Fortress Energy Facility"), to a proposed LNG export terminal and port located in or near Gibbstown, Greenwich Township, Gloucester County, New Jersey, which is situated along the Delaware River (the "Gibbstown Logistics Center"); and

WHEREAS, LNG would be transported from the New Fortress Energy Facility to the Gibbstown Logistics Center along public highways and railways in Northeastern Pennsylvania, including by way of Interstate 81 which run directly through the City; and

WHEREAS, New Fortress Energy's subsidiary, Energy Transport Solutions, received a Special Permit from the Pipeline and Hazardous Materials Safety Administration for the transport of LNG by rail; and

WHEREAS, the overland transport of LNG by New Fortress Energy and its subsidiaries presents significant safety hazards, including exposing those communities along roadways and railways to unprecedented and unjustifiable risk; and

WHEREAS, Delaware River Partners, LLC, a subsidiary of Fortress Transportation and Infrastructure Investors, LLC, has submitted an application to the Delaware River Basin Commission ("DRBC") under Docket D-2017-009-2 to construct a transloading facility ("Dock 2") at the Gibbstown Logistics Center that would transfer LNG from trucks and railcars to shipping vessels; and

WHEREAS, the DRBC, which is comprised of representatives from the States of Delaware, New Jersey, New York and Pennsylvania and the federal government, has adopted a compact that declares, "the conservation, utilization, development, management and control of water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare"; and

WHEREAS, neither the Commonwealth of Pennsylvania nor the DRBC has fully assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by railcar on the communities along the possible transportation routes between the Wyalusing Township, Bradford County, Pennsylvania, and Gibbstown, Greenwich Township, Gloucester County, New Jersey; and

WHEREAS, no federal, state, or local agency has conducted a risk assessment of the specific transportation route(s) along which the LNG would travel; and

WHEREAS, no comprehensive Quantitative Risk Assessment, which quantifies the frequencies of events, such as transportation accidents and their consequences, has been undertaken of the trucks or railcars that would contain the LNG that would travel from the New Fortress Energy Facility, through our City and to the Gibbstown Logistics Center; and

WHEREAS, neither the Commonwealth of Pennsylvania nor the DRBC has conducted an assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy's plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River; and

WHEREAS, the City and its surrounding communities have not been provided with training or support for emergency or first response service organizations to respond to accidents, fires, explosions, derailments, or other emergencies related to LNG overland transport; and

WHEREAS, the absence of such assessments and support prevents the appropriate management of and avoidance of accidents, derailments, catastrophic events, health harms, and environmental damage and degradation that could occur from the overland transportation of LNG through the City, including risks to public health, property values, and the clean air and water upon which our residents and businesses depend.

NOW, THEREFORE, BE IT JOINTLY RESOLVED, BY THE COUNCIL AND MAYOR OF THE CITY OF SCRANTON, as follows:

SECTION 1. The members of the DRBC are hereby called upon to disapprove the pending application for the Dock 2 Project, filed under Docket D-2017-009-2.

SECTION 2. The Commonwealth of Pennsylvania is hereby called upon to fulfill its constitutional duty and act affirmatively to protect the Commonwealth's public natural resources by taking all actions necessary to prevent the transportation of LNG through Pennsylvania by truck or rail, and to conduct a public health and safety analysis, a quantitative risk assessment, and a comprehensive environmental review of the potential impacts to communities and the natural environment in Pennsylvania.

SECTION 3. The City Clerk is hereby directed to submit an official copy of this resolution with the DRBC, with copies sent to the voting members at their respective locations: the Governors of Pennsylvania, New Jersey, New York, and Delaware, and the U.S. Army Corps of Engineers.

SECTION 4. The City Clerk is hereby directed to submit an official copy of this resolution to Governor Tom Wolf of Pennsylvania, with copies to Pennsylvanian Senator John Blake, Pennsylvania State Representatives Mary Flynn, Pennsylvania State Representative Kyle Mullins, and Pennsylvania Department of Environmental Protection Secretary Patrick McDonnell.

SECTION 5. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and Intent of this Resolution and the effective administration thereof.

SECTION 6. This Resolution shall become effective immediately upon approval.

SECTION 7. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable Law arising under the laws of the State of Pennsylvania.