

**RECEIVED**

*By Docket Room at*

**From:** [FERGAS](#)  
**To:** [Wood, Natalie \(CONTR\)](#); [Moore, Larine](#)  
**Subject:** FW: Public Comment on American LNG Marketing LLC., Docket #14-209-LNG  
**Date:** **Tuesday, May 26, 2015 4:59:21 PM**

**LATE  
SUBMISSION**

-----  
**From:** Barbara Clowdus[SMTP:BARBARA@HSCURRENTS.COM]  
**Sent:** Tuesday, May 26, 2015 4:58:31 PM  
**To:** FERGAS  
**Subject:** Public Comment on American LNG Marketing LLC., Docket #14-209-LNG  
**Auto forwarded by a Rule**

RE: American LNG Marketing LLC., Docket #14-209-LNG  
Application for Long-term Authorization to Export Liquefied Natural Gas

Dear Mr. Anderson:

Please consider my objections to this application prior to issuance of your approval of the above application. First, please know that I am not an attorney, and neither am I employed by any of American LNG Marketing LLC competitors. I am speaking only as a U.S. citizen, a resident of Florida, and the mother and grandmother of children and grandchildren who live in the vicinity of the American LNG Marketing LLC facility currently under construction at the FEC rail yard in Medley, Florida.

I discovered this plant only because I am the editor of a small monthly newspaper and was researching a story about the All Aboard Florida passenger rail project, which is a potential customer for the LNG that will be produced at this manufacturing facility and supplied by Florida Gas Transmission line. My research uncovered the fact that this plant has no permits that the public assumes these days would be generally required for a facility that is converting natural gas from a transmission pipeline to LNG for transport by rail to several Florida ports for export. The company also said in its application that it has a contract with FEC railway to supply LNG for 24 of its new locomotives that run on the FEC tracks from Miami to Jacksonville.

Every state and federal governmental office I contacted told me that recent Federal Regulatory Energy Commission decisions generally state that facilities that load ISO containers for export aren't subject to FERC jurisdiction under section 3 of the Natural Gas Act. This, of course, is the argument used in American LNG's application: (Shell U.S. Gas & Power, LLC, Order issued Sept. 9, 2014 in Docket No. CP14-114-000; Emera CNG, LLC, Order issued September 4, 2014, in Docket No. RP14-52-000.) In addition, they also cited the more recent Pivotal LNG, Inc. decision, with an order issued April 2, 2015, in Docket No. RP15-259-000; therefore, their own permitting processes are not triggered.

I certainly cannot argue the merits of these cases, although as a citizen, I do not understand why common sense has not prevailed in the application of the Natural Gas Act. Congress emphasized the importance of regulating the sale of gas to foreign countries, stating specifically: "Federal regulation in matters relating to the transportation of natural gas and the sale thereof in interstate and foreign commerce is necessary in the public interest." Granting a 20-year permit with no oversight, no inspections, no regulation hardly seems in the public's best interest.

In addition, the Department of Energy's role in triggering other agencies' permitting processes is undeniable. U.S. Department of Transportation (DOT) sets the siting standards and safety regulations for all LNG facilities engaged in any transportation of natural gas, yet they have no applications from American LNG. Their oversight was "not triggered" by the DOE, I was informed.

The Florida Department of Environmental Protection Southeast District's Environmental Resource Permit

(ERP) staff did not receive a permit application on this project because their information is that it is only a storage facility for LNG, rather than a manufacturing facility, thus no DEP permits will be required. None of the individual components (heaters, cooling towers, engines, etc.) would have to be evaluated to determine emissions points or that emissions levels are within legal limits, which normally require a state permit, because FERC oversight was not triggered.

Permitting for a facility emitting less than 250 tons per year at this location would be handled through the Miami-Dade County Local Program, however, that office has no permit application pending. (Actually, not even a building permit has been issued to American LNG, according to Miami-Dade officials.)

Not only is there no FERC oversight, the facility also is exempt from all other regulation by the United States Department of Transportation's Pipeline and Hazardous Materials Administration, the United States Coast Guard, the Florida Public Service Commission, the Florida Bureau of Fire Prevention, and the Port of Miami District. Is this because the gas is not being transported by pipeline? Is this because it will obtain a DOE permit to export LNG to other countries, thus exempting it from ALL regulation or inspection?

The regulatory loopholes created by the FERC are large enough to drive a freight train right through the middle of Miami. This facility lies less than two miles from Miami International Airport, second largest only to New York's Kennedy airport, and within a few hundred yards of the densely populated City of Hialeah, within a quarter of a mile of the Palmetto Expressway and three other major highways, and adjacent to the FEC canal that drains directly into the Miami River. It should trigger not only all our other regulatory agencies, but also oversight by the Federal Emergency Management Administration and the Federal Aviation Authority. Why have they not been alerted?

It is being constructed on land owned by the FEC railroad, the sister company of FECL, owned by the Fortress Investment Group, at the same address provided by American LNG Marketing LLC on its DOE application, which also owns the All Aboard Florida passenger rail project.

It is unconscionable that this facility, which will be in full production by September, can/will operate with zero regulatory oversight, ensured by the approval of this DOE application. I respectfully request that approval be denied....in the public interest.

Cordially,

Barbara Clowdus

Publisher  
Martin County Currents 5837 SE Avalon Drive

Stuart, FL 34997

[772.245.6564](tel:772.245.6564)



--

Barbara Clowdus <[barbara@martincountycurrents.com](mailto:barbara@martincountycurrents.com)>