June 20, 2013

S5846-A (Maziarz)

Title: An act to amend the environmental conservation law, in relation to the criteria for siting and the transportation of liquefied natural and petroleum gas, and to repeal certain provisions of such law relating thereto

Purpose: To amend the environmental conservation law to require the Departments of Environmental Conservation and Transportation to issue regulations for the siting of liquefied natural gas and petroleum natural gas by December 31, 2013 and to repeal paragraphs b and c of subdivision 2 and paragraph c of subdivision 3 of section 23-1709 of the environmental conservation law.

Statement of opposition: DEC is currently reviewing NY rules and regulations for the transportation and storage of Liquefied Natural Gas (LNG). Because of past catastrophic accidents involving LNG and the risks involved in its transport and storage, the regulations in NY have to date focused primarily on the protection of public health and safely. With the rise of hydraulic fracturing technology, the natural gas industry is looking to expand markets for its products and there is growing pressure to loosen these LNG rules that have protected New Yorkers for more than 30 years.

This legislation seeks to accelerate the current DEC regulatory review process on LNG so that it concludes by the end of this year while removing many of the foundational public safety requirements from statute that pertain to the transport of LNG.

This bill has been portrayed as a means to facilitate more LNG fueled trucks on NY’s roadways in an effort to reduce harmful diesel emissions. But the broad revisions in this legislation present a complete overhaul of the way LNG transport is regulated in NY and could just as easily create even greater public health hazards along our most traveled highways. It is fundamentally unwise to take up this critical and far reaching energy infrastructure issue in the closing hours of session, when there have been no public hearings or the benefit of review from the relevant standing committees in both houses that deal with energy, environment, and transportation.

As proposed, this legislation repeals sections of the Environmental Conservation Law Article 23, Title 17 that establish comprehensive planning, emergency response coordination, public and municipal participation and safety criteria for transportation of LNG. This legislation would leave New York DOT and DEC with virtually no regulatory or oversight role for the transportation of LNG in the state.

An accidental release of LNG associated with its transport or use at a stationary facility in the presence of an ignition source raises two potential hazards to public safety: direct exposure to a fire and thermal radiation generated from a fire. Government and industry recognize these potential risks and have adopted regulatory requirements and operating practices to ensure that transport of LNG takes into
account population centers and routes that would pose the greatest hazard to individuals or property. S5846-A will immediately repeal the relevant sections of the ECL that protect the public from such hazards. In addition to these roll backs, S5846-A removes strict liability from LNG transporters, dealing the double blow of increasing the likelihood for accidents while placing the burden of financial risks on the general public.

Sierra Club Atlantic Chapter urges you to reject this end-of-session push to derail what should be a deliberate and public discussion of how we approach the rules and regulations pertaining to LNG. We ask that the legislature wait until after public review of the Department of Environmental Conservation’s LNG regulatory revisions before considering making any changes to the Environmental Conservation Law especially when important provisions like risk assessment, public safety and municipal participation are on the chopping block.

The Sierra Club Atlantic Chapter urges you to oppose S5486 -A