

I. No LNG regulation in the state of Florida

Eagle LNG comment, II.B.: “Petitioners incorrectly assert that “LNG is not regulated in the state of Florida,” and “[t]here are no state or local agencies that approve the siting construction, operation and maintenance of inland LNG export facilities [...] in Florida,” including a facility identified as “Eagle Maxville LNG” as an exemplar facility among others.”

RESPONSE: FERC did not issue a Rulemaking delegating the Commission’s authority under the Natural Gas Act to approve the siting of an LNG plant to another federal, state or local agency. Siting is also relevant to environmental oversight, as the U.S. Department of Energy (“DoE”) noted recently:² “(e) DOE lacks the statutory authority to authorize construction and operation of export facilities, regardless of whether these facilities are deemed jurisdictional by FERC. Therefore, DOE need not review environmental impacts associated with those authorizations.” Given that FERC also handles social and environmental justice issues, apparently those are not covered, either.

A. PHMSA does not have siting authority

PHMSA ensures compliance with the Federal Safety Standards for LNG Facilities under CFR Title 49, Subpart B, Part 193, but “PHMSA does not have siting authority.”³ As a result, developers are siting inland LNG export facilities on very small parcels of land, e.g. under 13 acres, in densely populated communities in Florida. See Case in Point #1 below for American LNG Marketing’s affiliate, LNG Holdings’ LNG export operation in the Hialeah Rail Yard in Miami.

² National Environmental Policy Act Implementing Procedures A Rule by the [Energy Department](#) on [12/04/2020](#) (a) SUPPLEMENTARY INFORMATION: I. Background;(b), (c), (d) II. Comments Received and DOE’s Responses: I. Environmental Documentation Supporting Decisions Made Pursuant to DOE’s Statutory Authority; (e) IV. Compliance With Applicable NEPA Requirements: G. Comments Regarding Review by the Federal Energy Regulatory Commission, Effective January 4, 2021
<https://www.federalregister.gov/documents/2020/12/04/2020-26459/national-environmental-policy-act-implementing-procedures>

³ PHMSA, in Regulating LNG Facilities, LNG Regulatory Documents, PHMSA, accessed October 3, 2022, <https://www.phmsa.dot.gov/pipeline/liquified-natural-gas/lng-regulatory-documents>