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*** ** FLORIDA BAR CERTIFIED / ADMIRALTY & MARITIME LAW ALSO ADMITTED IN DISTRICT OF COLUMBIA

11/2/2016

Mr. M. Buddy Secor, Jr., PE
Operations Supervisor
Engineering and Research Division
Pipeline and Hazardous Materials Safety Administration
East Building, Room E22-109
1200 New Jersey Avenue, SE
Washington, DC 20590

Via <https://www.regulations.gov/>; fax (202) 493-2251 & US Mail to:

Docket Management System:

U.S. Department of Transportation, Docket Operations
M-30, West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE. Washington, DC 20590.

RE: DOCKET NO. PHMSA-2016-0073 -- NEW FORTRESS ENERGY/TICO DEVELOPMENT PARTNERS, LLC. (TICO) – REQUEST FOR SPECIAL PERMIT FOR VARIANCE FROM TITLE 49 SECTION 193.2155(b) FOR PROPOSED LIQUEFIED NATURAL GAS (“LNG”) PRODUCTION AND DISTRIBUTION FACILITY IN TITUSVILLE, FLORIDA (THE “TICO TITUSVILLE SITE”)

Dear Mr. Secor:

Our office has been retained by United Florida Residents, LLC, and Oak Point Mobile Homeowners Association, Inc. (hereinafter collectively referred to as our “clients”) to provide the following comments in response to Docket # PHMSA-2016-0073 -- New Fortress Energy/TICO Development Partners, LLC. Request for Special Permit for Variance from Title 49 Section 193.255(b) to construct an LNG production and distribution facility at the TICO Titusville Site.

As set forth in TICO’s application and the above referenced Request for Special Permit, we understand the Applicant intends for the TICO Titusville Site to produce 1,000,000 gallons (82.6 million cubic feet) of LNG per day. We also understand LNG will be hauled by truck and/or rail from the TICO Titusville Site around the State for export from Florida’s deep water ports.

The nature and extent of production of LNG at such a facility along with the geographic location of the TICO Titusville Site causes grave concerns for our clients with regard to their health, safety and well being. These concerns exist despite whether the facility is constructed with or without a special permit. Specifically, members of United Florida Residents, LLC, and their families reside less than 2,100 feet from the TICO property boundary, while Oak Point Mobile Homeowners Association, Inc. is even closer at a distance of less than 200 feet. We would also note that Palm Harbor Mobile Village sits approximately 400 to 500 feet from the TICO property. Thus, the population within two miles of the TICO Titusville Site is in excess of 14,000 people.

Our clients are rightfully concerned about the serious risks associated with the dangerous process of converting natural gas into LNG for storage and/or transport. By approving a hazardous facility such as this so near a population center, PHMSA would be placing 14,000+ members of the public in harms way. Given the well documented volatility associated with processing LNG, any accidental or intentional spill or breach of an LNG containment tank, including piping, almost certainly would result in a catastrophic loss of life. Furthermore, with the tremendous potential for a disastrous event, it would be foolish for anyone to ignore the real possibility of terrorism at this site given the proximity to a population center.

Our clients also object to the location of this facility because pursuant to §193.2155 (b), an LNG storage tank must not be located within a horizontal distance of one mile (1.6 km) from the ends, or ¼ mile (0.4 km) from the nearest point of a runway, whichever is longer. The TICO Titusville facility at best, is located only 3/5th of a mile from Space Coast Regional Airport, giving further credence to the potential for terrorism at the TICO site.

Additionally we note that in an effort to substantially minimize the grave risks of operating such a site near a population center, the Pipeline Safety Act, includes provisions concerning LNG facility siting. 49 U.S.C. § 60103 encourages remote siting of LNG facilities; consideration of general safety; consideration of geophysical risks; consideration of proximity to population centers; consideration of adequacy of emergency services; consideration of operator qualifications; and security measures, all of which are sorely lacking with the TICO Titusville Site.

Lastly, we note that in addition to creating airport setbacks to minimize risks to the public, CFR Title 49 provides numerous other rules and regulations issued by the Department of Transportation and Homeland Security, such as § 193.2057 – Thermal Radiation Protection; § 193.2059 – Flammable Vapor-Gas Dispersion Protection; and Subpart F (Operations – Emergency Procedures), §193.2509. It is apparent the TICO Titusville Site will not meet any of these requirements which are also designed to minimize the risks to the public.

Based upon the significant potential for catastrophic impacts to a population center, we expect PHMSA to demand the TICO Titusville Site demonstrate full compliance with all of the requirements of CFR Title 49, the Pipeline Safety Act as well as any and all other requirements which have been enacted to ensure a minimization of the risks to the public. We also expect that for all the above reasons, PHMSA will deny TICO's request for special permit for variance from 49 CFR 193.2155(b) to operate a LNG facility, as such authorization would clearly frustrate the entire purpose of the regulatory scheme which is designed to protect the public from the grave risks associated with LNG facilities.

Sincerely,

GUY YUDIN & FOSTER, LLP.

A handwritten signature in black ink, appearing to read "John S. Yudin". The signature is stylized and cursive.

John S. Yudin, Esq.
For the firm

Cc: congressman.posey@mail.house.gov