

some states may have the staff and expertise to do this, others may not.” Commissioner Bay’s concerns have come to fruition in the state of Florida.

There are No Local, State or Federal Permits for LNG Facilities in Florida:

In disclaiming jurisdiction over inland LNG export facilities, Commissioners stated that a facility will be required to obtain various local, state, and federal permits.¹⁹ This statement is extremely misleading since LNG is not regulated in the state of Florida. In Florida, “Gas” is regulated by the Florida Department of Agriculture.²⁰ Agents there are not familiar with LNG facilities.

For example, the Florida Department of Environmental Protection listed the above-referenced Floridian Natural Gas Storage facility as a “**Gas Compressor Station.**”²¹ The American Marketing LNG facility in Miami-Dade County (affiliate of New Fortress Energy) was permitted under Florida’s **Industrial Waste Permitting** program under Chapter 24 of the Code of Miami-Dade County,²² and the **Building Permit** for the facility was waived. The head of Public Works in one County explained that the construction of yet another proposed LNG export facility was being overseen by the U. S. DOE. He said he “Googled” it.²³

The following New Fortress Energy LNG projects were sited and constructed without filing a *Petition for Declaratory Order* with FERC:

The **San Juan LNG Terminal** came online in March 2020. On July 28, 2020, PHMSA advised that it does not have a required OPID (Operator Identification Number) on file for “an LNG handling facility under NFEnergia, LLC, that was constructed in San Juan Harbor, Puerto Rico.”²⁴

American LNG Marketing (“the Hialeah Facility”) is owned and operated by its corporate affiliate, LNG Holdings (Florida) LLC (LNG Holdings). The facility is located in the northern portion of the Hialeah Rail Yard that is leased primarily to the Florida East Coast Railway and was the first LNG export facility in the Lower 48 to transport LNG by rail. American LNG “self-determined” that their Hialeah Facility was not subject to FERC jurisdiction. Further, American advised the DOE that construction of the facility was underway and that, “construction and operation of the Hialeah Facility will occur without regard to DOE/FE’s decision on this application because American LNG has an obligation to supply LNG to FECR [Florida East Coast Railway].”²⁵

According to American LNG’s LNG Export Application, “The Facility will enhance the value of existing pipeline infrastructure and add to the local property tax base with very few operating expenditures required from the city of Medley to support the Facility.” This proposed LNG export facility was not located in Medley. The writer notified the U. S. DOE and apparently created quite a stir at the DOE according to a telephone conversation between the writer and Attorney Benjamin Nussdorf, who was serving as a Senior Policy Advisor at the DOE. Former FERC Commissioner Bay was right when he predicted there would be “unintended consequences” from FERC’s decision to disclaim jurisdiction over small-scale inland LNG export facilities.