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**Delaware Riverkeeper Network Files Lawsuit Challenging
the Gibbstown LNG Export Approval**
Maintains the DRBC should never have granted the extension

New Jersey – Today the Delaware Riverkeeper Network (DRN) filed a [legal challenge in the United States District Court](#) for the District of New Jersey of the decision by Delaware River Basin Commission (DRBC) to extend, for a second time, its approval for the construction of the proposed Gibbstown LNG Export Terminal project on the Delaware River in Gloucester County, New Jersey.

The complaint is based on the DRBC's Rules of Practice and Procedure, which only provide for a single extension of a Section 3.8 approval on the conditions that the project or site has not materially changed, and that the project proponent is diligently pursuing its project. The DRBC's decision to extend the Dock 2 Docket for a second time contravened its own rules, and it incorrectly concluded that the Gibbstown Logistics Center and Dock 2 Project have not materially changed. The DRBC's decision to extend this docket also ran afoul of its own rules because DRP admitted that it had voluntarily decided not to build Dock 2 due to market conditions. Delaware Riverkeeper Network seeks a ruling from the court that the DRBC should never have granted this second extension.

“At a time when we are seeing so much disregard for science, facts and the law in politics, the ability of communities to count on agencies like the DRBC to uphold the rule of law and to be guided by the true facts is more important than ever. It is disappointing that we had to file this

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lawsuit to ensure our River and communities are receiving the protection we are entitled to. But it is clear that this LNG project should not have been given yet another lifeline by the DRBC that leaves our communities under its continuing threats of harm, requiring that the Delaware Riverkeeper Network has no choice but to file this lawsuit in defense,” **says Maya van Rossum, the Delaware Riverkeeper.**

“The Gibbstown LNG Export Terminal Dock 2 project has been languishing for over six years since its first approval and then its extension in 2022. Delaware Riverkeeper Network with the public fought this massive, dangerous LNG export project for years, including in court and in the public domain; DRBC ended up approving it despite the evidence against it. The project has not been built and Delaware River Partners has been busy pursuing other projects at the Gibbstown site and the prospect of a viable LNG market has further deteriorated, as Delaware River Partners has stated themselves. It’s well past the time to stop this obsolete and environmentally destructive project and we aim to illustrate that to the Court,” **says Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

Background:

The DRBC original approval of the highly controversial “Dock 2” project at the Gibbstown Logistics Center included dredging of the river and the building of a 2-berth dock in the Delaware River that would be used by enormous tanker ships for the export of LNG by Delaware River Partners, an affiliate of New Fortress Energy.

The approval was the subject of a closely [watched appeal brought by Delaware Riverkeeper Network](#) in 2019 that concluded in December 2020 after a Hearing and a vote by the DRBC Commissioners to allow the LNG export terminal to move ahead. Public opposition raged during this decision-making process with tens of thousands of people and many local governments expressing opposition. DRN unsuccessfully [appealed the approval](#).

The Dock has not been built but construction could potentially begin between now and March 15, when a federal requirement that no dredging, construction or other disturbance can occur in the water at the site to protect the federally endangered Atlantic sturgeon is lifted.

Many aspects of the Project have drastically changed such as [the loss of a critical federal permit](#) to transport LNG by rail from Wyalusing Township, Bradford County, where fracked gas was supposed to be liquified and transported by train over 200 miles to Gibbstown for export overseas. It is not known where DRP would get LNG for export since the Wyalusing site is currently being repurposed by New Fortress Energy (aka [Klondike](#)) for a power facility and data center; the air pollution control plan for the power facility was approved yesterday, October 9, by the PA Department of Environmental Protection.

The Gibbstown site has also been repurposed for other projects by Delaware River Partners such as a large underground cavern liquid gas storage system for which NJ Dept of Environmental

Protection [permits are pending for the proposed caverns](#). Plans for these and above ground storage and infrastructure for natural gas liquids/liquid petroleum gases **but not LNG**, have been crowded onto to the site.

The terminal location is surrounded by densely populated communities whose safety is jeopardized, including environmental justice communities in Paulsboro, NJ, and across the river in Pennsylvania. The site is made up of vast wetlands and is connected to the vulnerable ecosystems and habitats of the Delaware River.

Operated today as the Repauno Terminal, the site is still under remediation for gross contamination by DuPont, which had manufactured munitions at the site for over 100 years – the Dock 2 Project would interfere with the [cleanup of the polluted site](#).

The [Dock 2 LNG wharf would have required dredging and river construction](#) that would destroy irreplaceable habitat for the federally endangered Atlantic Sturgeon and other keystone marine life, including rare aquatic vegetation, and would stir up PCBs and other toxic pollutants that are now buried in the river.

For copies of the letters, DRBC records, and submissions related to this issue go to “Supporting Documents” here: <https://bit.ly/3g0lfOB>

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