

United States Senate

WASHINGTON, DC 20510

November 5, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We are writing to request that you take temporary steps to expedite the delivery of biofuels to New Jersey in the wake of Superstorm Sandy. Specifically, we ask that you allow appropriate fuel providers to reroute critical fuel supplies in order to reach New Jersey.

As a result of the damage caused by Superstorm Sandy, the existing fuel distribution network has been disrupted, keeping millions of gallons of fuel that could help alleviate the ongoing shortage from reaching the region. Under normal conditions, significant volumes of biofuels are shipped by rail to New Jersey and received at two facilities—the Kinder-Morgan terminal in Linden, NJ and the Motiva terminal in Seawaren, NJ. However, both of these facilities incurred substantial damage during Hurricane Sandy and are unlikely to be operational in the near term.

Since these shipments cannot reach New Jersey through the standard channels, alternative routes need to be opened in order to get this fuel to the region. Other terminals on the East Coast, including facilities in Baltimore, MD, could receive these train shipments and transfer the fuel to barges bound for New Jersey.

However, some of these facilities do not have equipment, such as a marine vapor mitigation system, that is required by the Environmental Protection Agency (EPA) under 40 CFR Part 63, Subpart Y. Therefore, we ask that you issue a No Action Assurance (NAA) letter to the affected parties in order to address this issue. This action would be consistent with EPA's earlier NAA letter on November 2, 2012 covering facilities in New Jersey and New York, which has already helped ease the fuel shortage.

Thank you for your leadership and swift action in response to the devastation caused by Sandy. We know that you share our desire to get New Jersey moving forward again as quickly as possible. Taking this action would secure additional fuel supplies for the state and provide critical support to the recovery effort.

Sincerely,


FRANK R. LAUTENBERG


ROBERT MENENDEZ