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“It violates environmental justice and climate laws”

North Brooklyn residents file lawsuit against NYS and National Grid over permitting of Greenpoint fracked gas storage facility expansion at apex of controversial pipeline

Greenpoint, Brooklyn - Residents living near National Grid's massive fracked gas storage depot on Newtown Creek [filed a lawsuit](#) Thursday claiming the New York State Department of Environmental Conservation (DEC) failed to properly take legally mandated environmental justice protections and the state's climate law into account when making decisions on an air permit that the corporate utility has applied for in order to expand the Greenpoint facility.

The lawsuit also claims that the proposed expansion has been illegally segmented from the North Brooklyn Pipeline, a widely opposed new transmission pipeline being built from Brownsville to Greenpoint through predominantly Black and brown neighborhoods that have suffered from decades of environmental racism, and plans to truck in fracked gas.

The lawsuit is being brought by the Cooper Park Resident Council, which represents 701 families that live near the facility, three other local residents, and Sane Energy Project. They are being represented by the University Network for Human Rights and Pace Environmental Litigation Clinic.

"This is something that must be stopped and must be stopped immediately," **said Elisha Fye, Vice President of the Cooper Park Residents Council during a DEC public hearing on the permit.** "I've been living in this community since 1953. We're already impacted in this community with the oil spill that happened. We were stricken with asthma, a pandemic of asthma flooded this community, illnesses, deformities in pregnancies, not to mention the soil is still contaminated to this day."

The site of National Grid's depot, which stores liquified fracked gas (LNG) in two large, aging tanks, has a long history of industrial contamination and is located on Newtown Creek, a federally recognized superfund site. Air quality in the area is already poor: Greenpoint-Williamsburg has one of New York City's highest levels of fine particulate matter, nitrogen dioxide, nitric oxide, and Black Carbon.

National Grid has applied to add two new LNG vaporizers, which would allow the Company to re-gasify additional LNG stored in the tanks, and pump it out into its distribution system.

The lawsuit claims that increased emissions from this new infrastructure would harm the health of local residents and contribute to climate change.

Sane Energy Project has also been challenging National Grid's proposal to raise monthly bills to pay for the Greenpoint LNG expansion and the North Brooklyn Pipeline, which would cost ratepayers almost half a billion dollars. Within the rate case National Grid has testified that it did no greenhouse gas emission assessments for the project or any assessment of the demographics of the communities that live nearby.

“Sane Energy Project filed as a Party to the National Grid rate case with the NYS Department of Public Service in April of 2019 to have the voices of our 13,000 members amplified in an official capacity. We filed testimony that National Grid’s proposed project violates our laws and our health and safety,” **said Kim Fraczek, Director of Sane Energy Project.** “Since then, National Grid has doubled-down with proposing more fracked gas infrastructure rather than following our law.”

Sane Energy and other intervening parties in the downstate National Grid rate case [walked out](#) of confidential rate case settlement negotiations last week, citing that New York State has allowed the case to drag on undemocratically behind closed doors while the investor-owned utility continues to build community contested infrastructure they expect to raise monthly bills to pay for.

National Grid first requested funds for the Greenpoint LNG expansion in [supplemental rate case testimony](#) in December of 2019, as a plan B to the Williams NESE Pipeline. Local residents said the corporate utility did no outreach to them then or at any time since.

“It doesn’t sit right, that none of us have heard of this expansion, or that the plan was to supply the city with fracked gas,” **said Christine Facella, one of 3 local residents suing the DEC and National Grid.** “First there is the transparency issue - if this project is legit, why all the secrecy, second, where does this fit into the city’s sustainability goals? Fracked gas has been shown to increase atmospheric greenhouse gases. When you look for more information on this project on National Grid’s website, there is one paragraph. If we’re being asked to pay for it, I’d like to know what I’m paying for.”

“I’m appalled that we weren’t even notified,” **said Fye.** “This pipeline, I looked at the schematics, it goes through all the Black and Brown communities, and ends up in ours which is a Black and brown community. We cannot go on like this, living life in fear cause of big companies doing harm to our communities.”

National Grid applied to the DEC for the LNG expansion in May 2020, requesting to downgrade from a Title V to a minor state facility permit, despite adding new infrastructure that would increase emissions.

Just several weeks earlier, National Grid had been forced to present its long-term plans to the public as part of a [settlement](#) with the Public Service Commission (PSC) that fined the company millions of dollars for its widely condemned moratorium in 2019. Even though National Grid was moving forward with the new LNG vaporizers in Greenpoint, the Company did not present the project to the public at the hearings.

Multiple [reports](#) in that parallel PSC proceeding investigating National Grid’s moratorium, including one from Suzzane Mattei, a former regional DEC director, found National Grid had grossly overestimated future gas demand, and that there is no need for new fracked gas infrastructure. The two new vaporizers alone would cost National Grid customers \$59 million.

In November 2020 the DEC issued a “Negative Declaration” under the State Environmental Quality Review Act (SEQRA), determining that the project will not have significant adverse environmental impacts and ending the environmental review process.

“With unanimous local, state and federal elected officials from the district and nearly 39,000 public comments filed opposing this project, we now must send a clear message with this lawsuit to the Department of Environmental Conservation (DEC) since they have not reversed their abhorrent Negative Declaration originally awarded to this project,” **said Fraczek.** “Since the DEC did not originally open this

proposal up to hear from the public, our members had to appeal to the DEC with thousands of requests to have a public hearing on this issue.”

Because thousands of comments were filed against the project, the DEC scheduled a public hearing for March 10, 2021 and subsequent hearings had to be added to accommodate the large number of community members registered to speak.

During three [public hearings](#) so far, not a single person has supported National Grid’s proposal and the opposition from community members and elected officials who spoke out against the project was unanimous. A fourth and final public hearing will be held tonight, March 18, at 5pm.

In addition to the DEC air permit, the two new vaporizers require multiple permits from the New York City Fire Department (FDNY) and authorization from the Mayor’s Office. The lawsuit alleges that in addition to violating state climate laws, the project is also inconsistent with the City’s Executive Order 52, which makes clear that “the City will not support the addition of infrastructure within its energy shed that expands the supply of fossil fuels.”

Mayor Bill de Blasio [came out against the North Brooklyn Pipeline](#) in December 2020 calling the project "unnecessary " but so far has been silent on the connected Greenpoint expansion.

National Grid’s original application to the DEC also included two new compressed fracked gas (CNG) injection heaters which would be fed by up to 48 CNG trucks per day, which National Grid removed from its application to make [approval of the two LNG vaporizers](#) more likely.

National Grid has also proposed to refill the vaporizers with additional LNG brought in by truck. Because of its highly explosive nature, both LNG and CNG trucking is currently illegal on New York City streets and would require a variance from FDNY.

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NOTES TO THE EDITOR

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