



June 10, 2022

Clearwater applauds the Court's June 8th, 2022 decision to affirm the New York State Department of Environmental Conservation's authority to deny Danskammer's air permit and views it as a major victory for the Stop Danskammer Coalition and climate advocates across the state. The Court's willingness to uphold the DEC's authority to deny permits under the provisions in the Climate Leadership and Community Protection Act supports the urgently needed transition away from fossil fuels to a renewable energy economy with storage and efficiency. When the initial denial of Danskammer's air permit was issued in October 2021, DEC Commissioner Basil Seggos stated that "The proposed project would be inconsistent with or would interfere with the statewide greenhouse gas emissions limits established in the Climate Act."

Additionally, Danskammer Energy also filed a lawsuit in State court against the DEC under Article 78, arguing that the DEC did not have the authority to deny a permit based on the CLCPA and thus DEC had violated Danskammer's due process rights. The Court has now ruled *emphatically* in favor of the DEC's authority to deny permits under the CLCPA, finding that "to adopt Danskammer's position would be to ignore the entire thrust, purpose and legislative history of the statute." Although Danskammer can appeal this loss to the NY State Appeals Court, the administrative hearing with the DEC will now move forward, likely with similar results. As one of the primary organizations responsible for the passage of the Clean Water Act in 1972, Clearwater has been working diligently to restore and protect the Hudson and its tributaries. In other words, our efforts to prevent a new fossil-fuel burning plant just north of Newburgh are having a positive impact.

The proposed plant falls in a community already dealing with the ramifications of environmental burdens that disproportionately affect disadvantaged communities of color. Residents of Newburgh are already battling PFOS in their drinking water, caused by runoff from Stewart Air National Guard Base, a property that was seized from African-American owners through eminent domain. The Climate Leadership and Community Protection Act ensures frontline and otherwise underserved communities



benefit from the state’s historic transition to cleaner, greener sources of energy, reduced pollution and cleaner air, and economic opportunities.

The Stop Danskammer Coalition includes organizations and individuals throughout the region, representing communities that would be directly impacted by this plant. Each member motivated their base, including Clearwater’s community, to step up and oppose this expansion, making this win a truly grassroots effort. We have come a long way, and consider this a huge step in the right direction, especially in the face of worsening climate change.

New York State is taking ambitious action on climate; the Climate Leadership and Community Protection Act of 2019 (CLCPA) commits to 70% renewable energy generation by 2030, 100% zero-emission electricity by 2040, and a reduction of at least 85% below 1990-level GHG emissions by 2050. Our collective participation makes this progress possible, even when there is push-back, we stay the course and don’t give up. Let this be a reminder that all of us together –concerned citizens, environmental organizations, elected officials, and state and federal regulatory agencies– can achieve a just transition to a green energy economy.