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Fossil Fuels Rejected: New York DEC Denies Permits for Astoria Gas-fueled Power Plant in Queens, New York

Decision marks a major win for the health of environmental justice communities in New York City

New York, NY -- The NYS Department of Environmental Conservation (DEC) rejected the required Title V air permit for Astoria Gas Turbine Power, LLC. The denial effectively halts the proposed Astoria Replacement Project and removes the threat of pollution from a new fossil fuel-burning power plant that would result in public health impacts to environmental justice communities in Queens and nearby neighborhoods in the South Bronx and East Harlem. The decision by DEC cites the project's non-compliance with the requirements of the Climate Leadership and Community Protection Act (CLCPA).

Partners in the PEAK Coalition - New York City Environmental Justice Alliance, UPROSE, THE POINT CDC, New York Lawyers for the Public Interest, and Clean Energy Group - and Earthjustice joined the over 6,600 [public comments](#) calling on the DEC to reject the permit due to the project's interference with the CLCPA's greenhouse gas emission limits. The CLCPA requires a shift to a zero-emissions electric sector by 2040. The denial of this permit reflects New York's commitment to a clean energy future and should send a clear signal to other contemplated fossil fuel projects. In its decision, DEC also made it clear that false solutions, such as the proposed combustion of green hydrogen or renewable natural gas (RNG), are not consistent with the CLCPA.

Environmental justice communities in "[Asthma Alley](#)" and across the city bear the burden of detrimental health effects from highly polluting fossil fuel-burning power plants. The CLCPA recognizes that communities where fossil fuel combustion has been concentrated – such as the Astoria and South Bronx neighborhoods, which host eight power plants alone – have experienced decades of poor air quality, and that a transition to clean energy should prioritize these communities.

Earthjustice and the PEAK Coalition continue their commitment to environmental justice and a clean energy future. The climate crisis, fueled by greenhouse gas emissions, has caused massive damages in New York with extreme weather events and flooding like during

Superstorm Sandy and most recently Hurricane Ida. Climate-smart actions by our state leadership are key to reducing the public health and environmental harms caused by the climate crisis, and to creating good sustainable jobs in renewable energy, storage, efficiency, and transmission upgrades in the same communities that have been polluted by fossil fuel combustion for far too long.

NYLPI Director of Environmental Justice, Anthony Rogers-Wright offered, "The DEC put people before profit and followed the guidance and wisdom of environmental justice communities and the organizations accountable to them that brought us the landmark Climate Leadership and Community Protection Act (CLCPA). The Astoria fracked gas permit proposal clearly does not align with the tenets, nor directives of CLCPA - denial of the permit was, therefore, warranted and in compliance with standing law." He continued, "We expect to see this same analysis applied to future permit applications across the state, to uphold Section 7 of the CLCPA's directive that no permits should be granted that would prevent emissions reduction goals from being realized, nor should they result in disproportionate impacts to disadvantaged communities. There's no time to waste and no place for environmental racism in New York.

"Environmental justice leaders, partners, and allies worked tirelessly to pass the hard-fought for Climate Leadership & Community Protection Act in 2019. We invested countless hours ensuring policy implementation is authentically grounded in racial justice and equity and mandates are upheld by New York State," said **Elizabeth Yeampierre, UPROSE Executive Director**. "This climate justice victory establishes a strong State precedent that fossil fuel burning power plants- discriminatorily sited in communities of color and low-income communities - which exacerbate disparities, are legally inconsistent with the climate policy, and will not be allowed by the State to achieve an emissions free electricity sector by 2040."

"DEC's permit denial of the Astoria peaker plant on the basis of the CLCPA demonstrates the power of our climate law and the community advocates that fought against the building of new fossil fuel power plants in New York City. We are excited for this pivotal moment to signal the end of the long-standing pollution burden from peaker power plants on the city's most climate vulnerable communities. Our organization alongside the PEAK Coalition will continue to fight for a system of localized clean renewable energy generation and battery storage." **Annel Hernandez, Associate Director with NYC Environmental Justice Alliance**.

"The NYS Department of Environmental Conservation correctly decided that New York's Climate Leadership and Community Protection Act (CLCPA) does not allow approval of new, polluting fossil fuel infrastructure as the state moves to a zero-emissions electricity system by 2040. We are heartened to see DEC uphold the CLCPA's clear requirements to reduce greenhouse gas emissions and avoid disproportionate, detrimental impacts on environmental justice communities like those surrounding this proposed plant," said **Rachel Spector, Senior Attorney for Earthjustice**. "The decision demonstrates New York's commitment to combating the climate crisis and sends a strong signal across the state that the only way forward is a renewable, equitable, non-polluting energy system."

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