Legislation Details (With Text)

File #:	Res 0312-2022	**Version:** *	**Name:**	New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek.
Type:	Resolution		**Status:**	Filed (End of Session)
			In control:	Committee on Environmental Protection, Resiliency and Waterfronts
On agenda:	9/14/2022			
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Title: Resolution calling upon the New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek, the New York State Public Service Commission to oppose rate recovery for gas vaporizers or any associated infrastructure, and opposing any “emergency” variance request to truck LNG that National Grid might make.

Sponsors: Jennifer Gutiérrez, Lincoln Restler, Tiffany Cabán, Julie Won, Crystal Hudson, Chi A. Ossé, Sandy Nurse, Alexa Avilés, Shahana K. Hanif, Rita C. Joseph, Charles Barron, Farah N. Louis, Mercedes Narcisse, Pierina Ana Sanchez, Kristin Richardson Jordan, (in conjunction with the Brooklyn Borough Presiden

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Attachments: 1. Res. No. 312, 2. September 14, 2022 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 9-14-22, 4. Minutes of the Stated Meeting - September 14, 2022

Date	Ver.	Action By	Action	Result
9/14/2022	*	City Council	Introduced by Council	
9/14/2022	*	City Council	Referred to Comm by Council	
3/7/2023	*	City Council	Re-referred to Committee by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Res. No. 312

Resolution calling upon the New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek, the New York State Public Service Commission to oppose rate recovery for gas vaporizers or any associated infrastructure, and opposing any “emergency” variance request to truck LNG that National Grid might make.

By Council Members Gutiérrez, Restler, Cabán, Won, Hudson, Ossé, Nurse, Avilés, Hanif, Joseph, Barron, Louis, Narcisse, Sanchez and Richardson Jordan (in conjunction with the Brooklyn Borough President)

Whereas, According to the International Panel on Climate Change (IPCC), substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit the global average increase in temperature to 1.5 degrees Celsius, and no more than 2 degrees Celsius, to minimize the worst impacts of climate change; and

Whereas, The IPCC's most recent report found that "without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach," stating that no new fossil fuel infrastructure must be built; and

Whereas, In May 2020, National Grid applied to the New York State Department of Environmental Conservation for a permit to add two new Liquefied Natural Gas (LNG) vaporizers to its Newtown Creek facility; and

Whereas, The utility states that the vaporizers are necessary for heating up liquefied gas, enabling it to be pumped into the system during periods of peak demand, in order to maintain reliability for National Grid customers; and

Whereas, Environmental advocates and community advocates representing residents of Cooper Park Houses, a New York City Housing Authority development, have expressed concerns about the effect that the additional vaporizers would have on the already environmentally burdened neighborhood, citing the neighborhood's historically poor air quality, status as an ozone nonattainment zone; and

Whereas, In March of 2021, Cooper Park Resident Council, other affected residents, and Sane Energy Project filed a lawsuit against the New York State Department of Environmental Conservation and National Grid alleging that expansion of National Grid's Newtown Creek facility with the addition of two new LNG vaporizers would violate New York State's Environmental Quality Review Act and Climate Leadership and Community Protection Act;

Whereas, In their lawsuit, Cooper Park Resident Council and Sane Energy asserted that data National Grid provided in its environmental assessment forms shows that the additional vaporizer infrastructure has the potential to increase vaporizer emissions from the Newtown Creek facility by 31%;

Whereas, In August of 2021, community and environmental advocates filed a complaint with the U.S.

Department of Justice, the United States Environmental Protection Agency, Department of Transportation, and Department of Energy, alleging that National Grid breached the federal Civil Rights Act by purposefully building the North Brooklyn pipeline through Black and Latinx Brooklyn communities, while circumventing predominantly white neighborhoods; and

Whereas, The complaint estimated that approximately 70% of the community surrounding National Grid's North Brooklyn pipeline is non-white, with Black and Latinx residents disproportionately more likely to live within a 1,275-foot proximity to the pipeline; and

Whereas, Advocates have noted that National Grid chose to route the pipeline through neighborhoods already burdened by the highest rates of asthma in the City and lower life expectancy rates, due in part to local pollution levels, ignoring proposed alternative routes through neighborhoods less burdened with environmental justice issues, with higher proportions of white residents, and without sufficient explanation for such routing; and

Whereas, Concerns have also been raised about the safety of National Grid expanding the gas delivery system without addressing widespread leakage, noting that the Brooklyn backbone of the utility's gas delivery system has had over 22,000 leaks since 2016, and a backlog of 1,944 unaddressed leaks in 2020; and

Whereas, Advocates allege that the proposed addition of the vaporizers to the facility is part of a larger whole action that includes the North Brooklyn Pipeline, the new LNG trucking station at the Newtown Creek facility, and trucking operations that would enable the transport of LNG to the facility via truck, further increasing local emissions levels; and

Whereas, Advocates have also cited recent declines in natural gas usage and the natural gas industry's own forecasts to call into question the need to build out new infrastructure, expressing concerns that ratepayers will be paying for the cost of the project well after it has become a stranded asset and that National Grid should therefore not be permitted to construct or recover costs of the vaporizers, Phase 5 of the Metropolitan

Reliability Infrastructure (MRI), or the trucking station; and

Whereas, The New York City Mayor's Office of Climate and Environmental Justice acknowledges that the City must reduce its reliance on fossil fuels in order to meet the goal of a 100% zero emissions grid by 2040; and

Whereas, On May 22, 2022, The New York State Department of Environmental Conservation delayed a decision on National Grid's permit request for the vaporizers for the fifth time, citing proceedings before the state Public Service Commission evaluating whether the utility can prove the project is actually needed for reliability; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Environmental Conservation to deny National Grid's permit request for gas vaporizers at Newtown Creek, the New York State Public Service Commission to oppose rate recovery for gas vaporizers or any associated infrastructure, and opposing any "emergency" variance request to truck LNG that National Grid might make.

NRC
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8/12/2022