



# NYPIRG

NEW YORK PUBLIC INTEREST RESEARCH GROUP

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## NYPIRG Statement

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### **State Court Rules DEC can Deny Permit on Danskammer Fracked Gas Power Plant as it Undermines NYS's Climate Law**

Danskammer Energy LLC, the owners of a proposed fracked gas power plant in the Town of Newburgh, filed a state court Article 78 lawsuit against the Department of Environmental Conservation (DEC), arguing the agency did not have the authority to deny a permit based on the Climate Leadership & Community Protection Act (CLCPA), and thus DEC had violated Danskammer's "due process rights." The state court today 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." The court also agreed with DEC that Danskammer's remaining claims involved questions of fact that needed to be decided first in the DEC administrative hearing process--dealing a big blow to Danskammer.

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