

# Kelley Drye and NYLPI Victorious in Challenge to Government's Siting of Power Plants

June 28, 2002

As reported in Pro Bono Matters, New York Lawyers for the Public Interest's quarterly publication, Partner Thomas Kinzler acted as pro bono counsel for New York Lawyers for the Public Interest (NYLPI) in an Article 78 proceeding against the New York Power Authority (NYPA), the Department of Environmental Conservation and the State Board on Electric Generation Siting and the Environment.

NYLPI challenged the locations of six power plants in the New York area, alleging that NYPA failed to consider certain potentially adverse environmental and health ramifications of the construction and operation of the plants, therefore violating the State Environmental Quality Review Act.

Mr. Kinzler represented NYLPI in its Second Department appeal, which was ultimately successful. The court ordered NYPA to conduct a full environmental impact review, staying an injunction on the operation of the plants. This landmark decision reflects the court's first acknowledgment that PM 2.5 (a/k/a fine particulate matter) is an important health concern.