

OBTAINED FAVORABLE COURT DECISION REGARDING MUNICIPAL REGULATION ON THE BASIS OF GREENHOUSE GAS EMISSIONS

Hodgson Russ successfully litigated at the appellate level a case of first impression concerning permit determinations involving municipal permitting authority over a biomass facility on the basis of greenhouse gas emissions. The matter involved an attempt to convert a former fossil fuel to a wood burning plant. Hodgson Russ led the environmental inquiry that determined that the project was not carbon neutral and would in fact result in significant increases in hazardous air emissions. The decision upheld the right of a municipality to use the State Environmental Quality Review Act and the local zoning code to deny a permit on the basis of harmful emissions.

Practices & Industries

Environmental

Municipal