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Contact:

Maya van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network, 215-369-1188x102
Aaron Stemplewicz, Senior Attorney, Delaware Riverkeeper Network, 215-369-1188x115

Two Challenges Filed Against Millennium ESU *NYDEC Approval & FERC Approval Both Challenged*

Sullivan County, NY – December 1, 2017 the Delaware Riverkeeper Network filed two challenges to approval of the Millennium Eastern System Upgrade Project. First, the Delaware Riverkeeper Network (DRN) filed a petition for review with the United States Court of Appeals for the Second Circuit regarding the New York State Department of Environmental Conservation’s decision granting Millennium Pipeline Company’s (Millennium) application for a State Pollutant Discharge Elimination System General Permit for the Eastern System Upgrade (ESU) Project. Second, the organization filed a rehearing request with the Federal Energy Regulatory Commission asking for reconsideration of their November 28 issuance of a Certificate of Public Convenience and Necessity to the Project. The rehearing request was accompanied by a motion for a stay of any construction activity and any other land disturbance conducted under the Certificate, pending review of the Order on rehearing.

“The Millennium ESU clearly should not have been approved by New York or by the Federal Energy Regulatory Commission. On its own the Millennium ESU is a danger to our communities and environment; it is linked to the Valley Lateral Project and the CPV Powerplant and so the harms of all these interrelated projects should have been given a cumulative look by government reviewers, and because the ESU is clearly just one step in a much larger, future expansion that is obviously to come. It is unfortunate that we have had to do the job of filing litigation against the project and our state and federal governments who are so inappropriately deciding to advance it,” said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.

“The permit as issued by NYSDEC, and the certificate issued by FERC, do not comply with applicable federal laws and therefore we seek a recession or remand of the state authorization and reconsideration by FERC,” said Aaron Stemplewicz, Senior Attorney at Delaware Riverkeeper Network.

The two legal challenges add to the other legal battles that embroil Millennium – including a legal challenge by the state against FERC approval of the Valley Lateral Project and strong opposition to the CPV powerplant.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawareriverkeeper.org
www.delawareriverkeeper.org

The Millennium ESU project includes:

- a new 22,400 horsepower compressor station in the Town of Highland, NY
- addition of a new 22,400 horsepower compressor unit at the existing Hancock Compressor Station in Delaware County, NY
- installation of 7.3 miles of new 36-inch pipeline parallel to Millennium's existing 24-inch line between the Huguenot and Westtown meter stations in Orange County, NY

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.