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FOR IMMEDIATE RELEASE:

Notice of Intent to Sue the Federal Energy Regulatory Commission for Violating the Clean Water Act Filed By Sandisfield Taxpayers Opposing the Pipeline

Washington, DC March, 21, 2016

Today, the Sandisfield Taxpayers Opposing the Pipeline (STOP), a group of Massachusetts property owners directly impacted by Tennessee Gas' Connecticut Expansion Project, took the first step towards bringing a citizen suit against the Federal Energy Regulatory Commission (FERC) in federal district court for violating the Clean Water Act in connection with approval of the project by filing a required Notice of Intent setting forth the violations and giving the FERC 60 days to address them. In addition to filing a Notice of Intent against FERC, STOP has taken similar action against Tennessee Gas.

The Connecticut Expansion Project will cross, or potentially discharge into, various rivers and streams within the state of Massachusetts. Therefore, under the Clean Water Act, Tennessee Gas was required to seek certification from the state of Massachusetts that the project will not adversely impact water quality. Until this required state certification is obtained, the Clean Water Act expressly prohibits FERC from issuing a certificate authorizing the Connecticut Expansion Project. Notwithstanding the Clean Water Act's clear directive, on March 11, 2016, FERC issued a certificate for the Connecticut Expansion Project, even though the required certification for the project by the state of Massachusetts has not yet been granted or waived.

The citizen-suit provisions of the Clean Water Act allow impacted individuals and organizations such as STOP to bring a private action to enforce the requirements of the Clean Water Act. "As owners of property that will be crossed by the Connecticut Expansion Project and residents and taxpayers in the state of Massachusetts, we have a direct interest in ensuring that FERC follows the law in granting a federal certificate for a pipeline, particularly when the certificate confers on Tennessee Gas the power to take our property through eminent domain," said members of STOP. "In addition," STOP continued, "because construction of the pipeline entails removal of hundreds of trees, including forestland protected by Article 97 of the Massachusetts Constitution, the project will cause significant harm to the environment and waterways of the state - and therefore, FERC's failure to comply with the Clean Water Act, which would have at least helped to protect these resources, is particularly disturbing."

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Although FERC routinely runs afoul of the Clean Water Act through issuance of certificates conditioned on future compliance with Section 401, this case represents the first time that FERC's action will be challenged through the citizens' suit provisions of the Clean Water Act rather than through the appellate review provisions of the Natural Gas Act. "To date, challenges of FERC's practices in federal appellate courts have been unsuccessful, either because they have been dismissed on procedural grounds or the project was completed by the time the appeal was heard." said Carolyn Elefant, owner of the Law Offices of Carolyn Elefant PLLC, the firm that represents STOP. "The citizen suit provisions of the Clean Water Act afford a more direct avenue for impacted individuals to challenge FERC's violations, and in addition, entitles prevailing parties to recovery of attorneys fees." added Alexander English, an environmental and water law attorney with the firm who serves as lead counsel for STOP in their citizen suit.

STOP is an unaffiliated group of Sandisfield, Massachusetts taxpayers organized to oppose the Connecticut Expansion Project. The Law Offices of Carolyn Elefant PLLC is a boutique law firm with offices in Washington D.C. and Bethesda, Maryland focused on energy, environment and eminent domain issues. The firm has been involved in pipeline cases throughout the nation. To learn more about the firm, please visit our website at www.lawofficesofcarolynelefant.com.

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Relevant Documents: [STOP's Notice of Intent To FERC](#) (March 21, 2016)]; [STOP's Notice of Intent To Tennessee Gas](#) (March 21, 2016); [FERC Order Issuing Certificate for Connecticut Expansion Project](#) March 11, 2016.

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