



Yvonne Hennessey

Partner

Albany

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Education

- Northeastern University School of Law, JD
- State University of New York at Geneseo, BA

Practices & Industries

- Energy
- Energy Markets
- Environmental
- Linear Infrastructure
- Lobbying & Election Law Compliance
- Oil & Gas
- Regulatory
- Renewable Energy

Admitted to Practice

- New York
- Pennsylvania
- Massachusetts

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the District of Massachusetts
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York

Biography

Yvonne is chair of Barclay Damon's Environmental and Lobbying & Election Law Compliance Practice Areas as well as co-team leader of the oil and gas, linear infrastructure, and energy markets teams. She primarily concentrates her practice on project siting and high-profile environmental and regulatory litigation in both administrative and judicial forums. Yvonne is well known for her strategic advice on navigating the ever-growing opposition to energy siting and successfully developing energy projects, with a strong focus on positioning clients to succeed in any resulting litigation.

Yvonne advises clients on a myriad of federal, state, and local laws and regulatory requirements that apply to project permitting and siting, including matters involving the Clean Air Act (CAA), the Clean Water Act (CWA), the Coastal Zone Management Act, and related state laws as well as environmental review under the National Environmental Policy Act (NEPA) and the NYS Environmental Quality Review Act (SEQRA). She also assists clients in enforcement matters brought by state and federal regulatory authorities and provides representation before state regulatory commissions in matters involving electric and gas infrastructure and supply, including appropriate cybersecurity protections.

Yvonne regularly represents clients in complex litigations, including commercial, regulatory, and permitting disputes and matters. She has extensive experience handling permit challenges and cost-recovery actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Navigation Law claims, and actions under the Resource Conservation and Recovery Act (RCRA).

Yvonne also counsels clients on navigating state and federal lobbying and election laws. She regularly advises on complex lobbying registration and reporting obligations, campaign contributions and reporting, and helps troubleshoot issues of compliance and civil or criminal exposure. Yvonne also represent

- US District Court for the Southern District of New York
- US District Court for the Western District of New York

clients during investigations, civil-penalty hearings, and criminal referrals resulting from violations of pertinent lobbying and election laws.

Bar Associations

- New York State Bar Association, Environmental and Energy Law Section, Chair
- Capital District Women's Bar Association
- Northern District of New York Federal Court Bar Association, Past-President
- Women's Bar Association of the State of New York

Selected Memberships & Affiliations

- Barclay Damon's Women's Forum
- Independent Oil & Gas Association of New York
- Institute for Energy Law, Advisory Board Member
- Institute for Energy Law, Oil & Gas E-Report, Editor

Representative Experience

- Coordinated the successful litigation defense of environmental groups' challenge to the resumption of operations of a coal-fired electric generating facility on natural gas as its primary fuel source.
- Successfully secured the pre-answer dismissal of a CERCLA action brought in the Northern District of New York that resulted in greatly expanded precedent for NY federal courts regarding the pleading standard for CERCLA claims.
- Successfully defended Title IV and Title V air-permits issued by the NYS Department of Environmental Conservation as well as its environmental review under SEQRA for the resumption of operations on natural gas at an electric-generating facility historically operated on coal.
- Represents an interstate-pipeline company proposing to expand its existing infrastructure in Pennsylvania, New York, and New Jersey.
- Represented a major energy company in litigation involving preemption under the Federal Power Act.
- Represented a large interstate-pipeline company and industry working group before the US Army Corps of Engineers to help streamline the permitting process for linear energy projects.
- Successfully settled a CERCLA action concerning alleged radioactive-waste contamination.
- Successfully defended a landfill operator in a legal challenge to a NYS Department of Environmental Conservation permit

and the associated environmental review focusing on alleged noise impacts before the lower court and on appeal.

- Participated in all aspects of federal and state permitting processes, including Title V and state pollution-discharge elimination-system permitting and in-depth environmental reviews under SEQRA, for multiple solid-waste-management facilities.
- Represented an energy company in response to a state administrative-agency subpoena and negotiated an acceptable limit to the required response.
- Represented a retail energy-service company in cybersecurity proceedings before a state regulatory commission.
- Engaged in a thorough audit of a major energy provider's election and lobbying-law compliance and provided similar companies with legal advice as to permissible election and lobbying activities.
- Involved in the 2008 amendments to New York's Environmental Conservation Law to accommodate shale development in New York, including the Marcellus and Utica shales.
- Represented the current owner of a state Superfund and hazardous-waste site in disputes with the NYSDEC relative to the need for additional site remediation as well as with prior site owners regarding the contractual responsibility for clean-up.
- Successfully settled claims under RCRA as well as common law negligence and willful and wanton misconduct based on the placement of Corelle Brands' glass cullet on a neighboring property by co-defendant Doug Gross Construction, a hauler contracted by Corelle.
- Represents an interstate-pipeline company proposing an approximate \$1 billion expansion of its existing infrastructure in Pennsylvania, New York, and New Jersey.
- Secured pre-action dismissal of CERCLA and related state laws related to a company's installation of gas and electric utilities with earth-moving equipment that resulted in a persuasive precedent for future cases regarding the appropriate pleading standard for CERCLA cases.
- Providing strategic advice to an energy storage projects developer on the replacement of more efficient and cleaner turbines at an existing generating facility, including securing the necessary permit modifications to enable the project to go forward and interfacing with NYSDEC and other state and local agencies to secure the necessary permits and approvals in a timely manner.
- Represents an energy storage projects developer in handling all aspects of the projects, including counseling on all siting and permitting issues to ensure the most efficient and successful project development while preserving the in-service dates as well as interfacing with key regulators.

- Advised a state agency in its role as an involved agency under SEQRA for a controversial new hospital project, during which we provided strategic advice throughout the environmental review process, including interfacing with the applicant and assisting with the development of a defensible environmental impact statement (EIS), which ultimately led to having all claims in the subsequent legal challenge dismissed against the state.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- The West Firm, Partner
- O'Connell & Aronowitz, Counsel
- LeBoeuf, Lamb, Greene & McRae, Associate

Judicial Clerkships

- US District Court for the Northern District of New York, Judge Frederick Scullin Jr. and Judge Norman Mordue

Selected Community Activities

- St. Pius X School, Board of Trustees Member
- Girl Scouts of America, Cookie Manager
- Northeastern New York Susan G. Komen Race for the Cure, Former Walk Director and Corporate Sponsorships Co-Chair

Selected Honors

- *City & State New York*, Trailblazers in Law List, 2024
- *The Best Lawyers in America*®: Litigation – Environmental, 2013–2024
- *Chambers USA*, Upstate New York: Environment, 2020–2023
- Selected to *Super Lawyers* Upstate New York: Energy, 2013–2021; Environmental Litigation, 2013–2023
- New York State Bar Association Environmental Law Section, Brightest Young Member, 2010

Selected Speaking Engagements

- Business Counsel of the State of New York 2018 Annual Environmental Conference, "Update on Pipeline Siting"
- Business Counsel of the State of New York 2017 Annual Environmental Conference, "New York's 401 Water Quality Certification Denials"
- New York State Bar Association Environmental & Energy Section Fall 2017 Meeting, "Key Energy/Environmental Cases of 2016-17," Moderator
- New York State Bar Association Environmental & Energy Section Fall 2017 Meeting, "Renewable Energy: Issues Surrounding Development of Wind/Off-Shore Wind," Moderator
- North Atlantic Chapter of the Society of Environmental Toxicology and Chemistry 20th Annual Meeting, "Shale Development: A Comparison of How States Are Regulating Hydraulic Fracturing," Keynote Speaker

Selected Media

- *New York Law Journal*, "Implementation of New York's Climate Act: Disadvantaged Communities"
- *Newsday*, "Las Vegas Sands Environmental Review Advances in Hempstead, Despite Court Ruling"
- LexisNexis *Environmental Law in New York* Newsletter, "Opposition to Natural Gas Pipelines Following New York's 'Fracking' Ban"
- Law360, "New York's Fracking Ban: Politics Under the Veil of 'Science'"
- Law360, "Trump Nationwide Permit Move Could Interrupt Pipeline Suit"

Selected Alerts & Blog Posts

- EPA Lists Two New "Forever Chemicals" Under CERCLA
- Proposed NYS Budget Includes Major Changes to ORES and Transmission Siting
- NYS Governor Hochul Embraces Green Energy in Annual State of the State Address
- NYSDEC Seeks Input on Impending Changes to State Wetland Rules
- NYSDEC Issues Draft Guidance on Permitting Projects in or Likely to Affect a Disadvantaged Community