

**52 YEARS OF ENVIRONMENTAL PUBLIC
INTEREST LITIGATION - NEW YORK'S
HUDSON RIVERKEEPER**

**环境公益诉讼52年---纽约哈德逊河护
河者**

PAUL GALLAY

PRESIDENT, RIVERKEEPER



RIVERKEEPER.

NY's clean water advocate

TOPICS TO COVER

大纲

- INTRODUCTION TO RIVERKEEPER
- 护河者介绍
- THE BIRTH OF **EPIL** IN THE UNITED STATES
- 美国环境公益诉讼的诞生
- USING **EPIL** TO REMEDY TOXIC SPILLS
- 利用环境公益诉讼救济有毒物质泄漏
- USING **EPIL** TO ENFORCE “USE ATTAINMENT” STANDARDS OF CLEAN WATER ACT
- 利用环境公益诉讼实施清洁水法中的“达到可使用”标准
- USING **EPIL** TO ENFORCE STATUTORY REQUIREMENTS TO OBTAIN WATER PERMITS
- 利用环境公益诉讼执行取得水许可证的法律规定
- USING WATER QUALITY TESTING TO REDUCE THE NEED

Riverkeeper: New York's Clean Water Advocate 护河者: 纽约清洁水的倡导者

Our vision: 使命

- *A Hudson River teeming with life* 充满生机的哈德逊河
- *Clean, swimmable waters for all to enjoy* 清洁、可游泳的水域供所有人享用
- *Climate-safe, sustainable energy supplies* 对气候安全且具可持续性的能源供应
- *Healthy, abundant drinking water supplies* 健康、充足的饮用水供应

Based on our success reclaiming the Hudson, we are the model for 325 more “waterkeeper” organizations, including 15 in China – unified by Waterkeeper Alliance.

由于我们
其中包括



范, 其

Riverkeeper Staff Resources

护河者人员组成

- A two-vessel boat patrol program patrolling 5,000 nautical miles per year.
- 每年巡逻5000海里的双船巡逻项目
- A 6-person legal team enforcing clean water laws when government does not.
- 6人的法律团队在政府不能有效执行时实施清洁水法
- A robust community science program that tests for pollution.
- 强大的科学团队从事污染测试
- An outreach team working with local partners to generate community support.
- 外展团队与当地伙伴共同合作获得社区支持



Storm King Mountain, NY - 1965 Litigation

THE BIRTH OF EPIL IN THE USA

纽约Storm King山之诉 – 1965年诉讼

美国环境公益诉讼的诞生



SCENIC HUDSON PRESERVATION CONFERENCE

v.

FEDERAL POWER COMMISSION

美丽哈德逊河保护联盟 诉 联邦店里委员会

United States Court of Appeals, Dec. 29, 1965.

1965年12月29日 美国联邦上诉法院

Under Federal Water Power Act of 1920, permit granted only if the project “*will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for ... water-power development, and for other beneficial public uses, including recreational purposes*”

根据1920年联邦水电法，只有在项目“最适合改进或发展水道以促进水电开发和其他有益的公共用途，包括娱乐用途的综合计划时”，才可获得许可证

Court rejected Federal Power Commission license because permit hearing testimony “**too scanty to meet the requirement of a full consideration of alternatives**” and Commission’s “**refusal to receive [citizen] testimony** ... exhibited a disregard of the statute and of judicial mandates instructing the Commission to **probe all feasible alternatives.**”

法院驳回了联邦电力委员会的许可证申请，因许可证听证会证词“太过缺乏，无法满足充分考虑替代方案的要求”，且委员会“拒绝接受[公民]证词”，表明其无视要求委员会研究所有可行性选择的法规要求和司法授权。

**SCENIC HUDSON CREATES
PUBLIC “STANDING” TO BRING EPIL CASES
美丽哈德逊河确立了公众提起环境公益诉讼的原告资格**

“In order to insure that the Federal Power Commission will adequately protect the public interest in the aesthetic, conservational, and recreational aspects of power development, those who by their activities and conduct have exhibited a special interest in such areas, must be ... included in the class of 'aggrieved' parties...

为确保联邦电力委员会充分保护公众在电力开发过程中的美学、保护和娱乐方面的利益，活动和行为在这些方面有特殊利益的群体必须作为“受影响方”参与决策过程

We hold that the Federal Power Act gives petitioners a legal right to protect their ... interests.”

我们认为，联邦电力法赋予起诉者保护其利益的法律权利



The Waterkeeper Movement, Today 今日的护水者运动



Lower Yangtze
River Waterkeeper



**USING EPIL TO END NUISANCES
AND REMEDY TOXIC SPILLS**
利用环境公益诉讼停止妨害、救济有毒物质泄漏

**Riverkeeper Instrumental in Resolving Newtown Creek Oil Spill
Suit in Brooklyn**

护河者在解决布鲁克利的Newtown 河溢油之诉行动

November 17, 2010 – Riverkeeper joined New York Attorney General Andrew Cuomo to announce a landmark settlement of federal litigation against ExxonMobil for oil contamination of a large section of Greenpoint, Brooklyn.

2010年11月17日—护河者加入纽约州检察长Andrew Cuomo，宣布针对埃克森美孚石油公司的石油污染布鲁克林Greenpoint大部分地区的联邦诉讼，达成里程碑式和解协议。

Over the last century, 17 to 30 million gallons of oil were spilled and leaked from ExxonMobil's refinery and storage facilities into soil and groundwater near Newtown Creek. 上个世纪，埃克森美孚公司炼油厂和存储设施共泄漏1700-3000万加仑石油至Newtown河附近的土壤和地下水中



EXXON - NEWTOWN CREEK, CONTINUED

埃克森美孚公司-Nettown河 (续)

The agreement – or “Consent Decree” requires Exxon to investigate and clean up the contaminated groundwater and soil affected by the spill and to address releases of soil vapors into Greenpoint’s homes and businesses.

本协议- 或“同意书”要求埃克森美孚公司调查并清理由于石油泄漏导致的地下水和土壤污染，并治理Greenpoint地区家庭和企业的污染土壤蒸发泄漏问题。

ExxonMobil will establish a \$19.5 million “Environmental Benefit Project” fund to finance environmental restoration and create open space in Greenpoint.

埃克森美孚公司将成立1950万美金的“环境效益项目”基金，以支持在Greenpoint地区的环境修复工程和建设开放空间。

ExxonMobil is also required to pay natural resource damages to the State of New York.

埃克森美孚公司还需向纽约州支付自然资源损害赔偿。



RESTORING NEWTOWN CREEK, ONCE OIL IS GONE

石油清理干净后, 恢复的Newtown河



RIVERKEEPER.
NY's clean water advocate

USING EPIL TO ENFORCE CLEAN WATER ACT “USE ATTAINMENT” STANDARDS

利用环境公益诉讼执行清洁水法中的“达到使用”标准

Riverkeeper and Waterkeeper Alliance v. Scott Pruitt and EPA

[February 20, 2018] 护河者与护水者联盟诉Scott Pruitt和美国环保总署
(2018年2月20日)

DECISION OF US DISTRICT COURT JUDGE BRODERICK:

Plaintiffs’ right [is] to have me decide expeditiously ... whether Defendants’ actions have complied with the procedures set forth in the Clean Water Act to achieve the appropriate water quality standard [and] to “restore and maintain the chemical, physical, and biological integrity of [New York City’s] waters.”

美国地区法院法官Broderick判决意见：原告权利让我迅速做出判决...被告行为是否满足清洁水法中的程序要求，以达到适当的水质标准目标[并且]“恢复和维持纽约市水质的化学、物理、生物特性”



USING EPIL TO ENFORCE CLEAN WATER ACT PERMIT REQUIREMENTS

利用环境公益诉讼执行清洁水法中的许可证要求

Fordham Scrap Metal Inc.
2371 Exterior Street
Bronx, NY 10468

Fordham Scrap 金属公司
2371 Exterior街
Bronx区, 纽约10468

Re: Notice of Violation and Intent to File Suit under the Clean Water Act and Resource Conservation and Recovery Act

关于:违反清洁水法和资源保护恢复法案(RCRA)的通知及起诉通知

We are writing to notify you of Riverkeeper's intent to file suit against Fordham Scrap Metal Inc., and Leo Tang. pursuant to Section 505(a) of the Clean Water Act ("CWA") and Section 7002(a)(1) of the Resource Conservation Recovery Act (RCRA) for violations of the CWA and RCRA.

我们致函通知贵司护河者有意因贵司违法行为根据“清洁水法” (“CWA”) 第505(a)条和“资源保护恢复法”(RCRA)第7002(a)(1)条规定向Fordham Scrap 金属公司和Leo Tang提起诉讼。



Part 2: USING EPIL TO ENFORCE CLEAN WATER
ACT PERMIT REQUIREMENTS

第二部分：利用环境公益诉讼执行清洁水法中的许可证要求

RIVERKEEPER JOINS NEW YORK, ENTERGY, IN AGREEMENT
TO CLOSE NUCLEAR PLANT

护河者加入纽约、Entergy, 协议关闭核电站

NEW YORK TIMES

January 9, 2017

纽约时报 2017年1月9日



Cuomo Confirms Deal to Close Indian Point

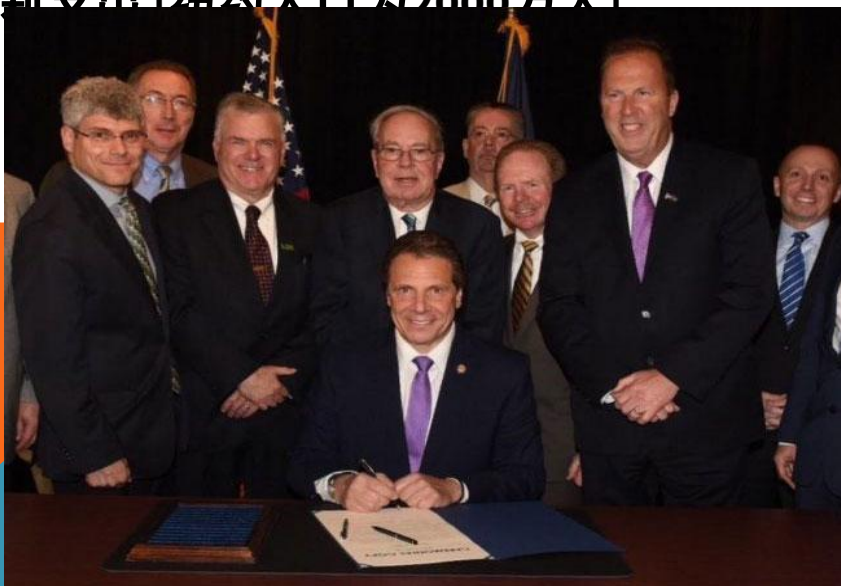
Cuomo 确认结束 Indian Point 交易



WATER QUALITY TESTING DRIVES BETTER TREATMENT AND REDUCES NEED FOR EPIL

水质检测促进更好的水处理, 减少环境公益诉讼

- Riverkeeper tests water quality with 8 university partners and 200 volunteers [5,000 samples per year].
- 护水者与8所大学合作伙伴和200名志愿者一同检测水质【每年5000个样本】
- Our testing revealed pollution leading to \$3 Billion [18 billion Yuan] in new spending for water treatment infrastructure [New York population is 20 million people]
- 我们的测试表明, 因污染导致30亿美元(180亿元人民币)的水处理基础设施的新支出【纽约人口为2000万人】



SUMMARY OF PRESENTATION 总结

- **EPIL GIVES CITIZENS A VOICE**
- 环境公益诉讼让公民发声
- **EPIL CAN REMEDY TOXIC SPILLS**
- 环境公益诉讼救济有毒物质泄漏
- **EPIL CAN IMPROVE WATER QUALITY**
- 环境公益诉讼能提高水质
- **EPIL CAN LEAD TO MORE EFFECTIVE PERMITTING**
- 环境公益诉讼促进更有效的许可证制度
- **INVESTMENT IN INFRASTRUCTURE CAN REDUCE THE NEED FOR EPIL**
- 基础设施投入可以降低对环境公益诉讼的需求



*Thank You
and best
of luck!*

*谢谢大家！
祝顺利！*



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