Eadie v. Town Board of the Town of North Greenbush

Neighborhood Opposition to Rezoning

• Protest petition
• Supermajority
• Buffer zone
• Legitimate interests v. societal benefits

PBS, Online Newshour, “Regulatory Questions Continue to Plague Cape Wind Project” (May 24, 2007). p. 768

Organized, Vehement Local Opposition

• Appropriate level of government
• Global warming/sustainable and clean energy
Cape Wind Project Cont’d

View from Cotuit - 5.6 Miles

Cape Wind Project Cont’d

View from Craigville - 6.5 Miles
Cape Wind Project Cont’d

View from Edgartown - 9.0 Miles

Cape Wind Project Cont’d

View from Nantucket - 13.8 miles
New York Code of Conduct for Wind Farm Development
October 30, 2008

- Financial incentives
- Confidential information
- Disclosure
- Filing requirements
- Seminar on conflicts of interest

Environmental Justice

- Race/ethnicity, economics, or both?
- Federal and state initiatives

Role of Race In Siting LULUs

- Hazardous waste facilities
- A “striking relationship”
- Socioeconomic status

Christopher Boerner et al., Environmental Justice? (1994), p. 792

Criticism of UCC Study

- Definition of “minority community”
- Population density
- Zip codes
- Discriminatory siting practices v. siting disparities

- Minority and low-income
- Empirical debate
- Effect


Private Right of Action?

- Intentional discrimination v. disparate impact
- 3d Cir. & U.S. Supreme Court
- Regulations v. statute
- Agency v. Congress
Other Federal Environmental Justice Programs

- National Environment Justice Advisory Council (NEJAC)
- Environmental Justice Grants
- Environmental Justice Community Intern Program
- Federal Interagency Working Group


- Greater disparity than previously reported
- Race is significant and robust predictor
Environmental Justice in Texas: Texas Commission on Environmental Quality (TCEQ)

1. The Environmental Equity Office,
2. The Office of Public Interest Counsel, and