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Local Residents Sue Federal Energy Regulatory Commission for Approving Fracked Gas Facility

BROWNSVILLE, Texas – Local residents, the city of Port Isabel, and Sierra Club today filed suit against the Federal Energy Regulatory Commission (FERC) for authorizing construction of the highly polluting Rio Grande LNG fracked gas facility and Rio Bravo Pipeline proposed for a site on the Gulf Coast near Port Isabel.

The dangerous emissions from the fracked gas facility would disproportionately harm low-income Latino residents living in nearby neighborhoods. The immense 800-acre facility and associated pipeline would damage local tourism and fishing industries because construction would require destroying hundreds of acres of wetlands and irreplaceable natural habitat. In addition, LNG vessel traffic would frequently shut down the ship channel for commercial or recreational fishers, further damaging the vital local industry.

"FERC has consistently ignored concerns about how Rio Grande LNG and other fracked gas facilities would harm already-marginalized Latinx communities in the Rio Grande Valley," said **Sierra Club Brownsville organizer Rebekah Hinojosa**. "This fracked gas export facility would devastate our local economy and subject our families to dangerous pollution, and it's unacceptable that FERC has refused to take these threats into consideration."

In today's suit, petitioners asked the U.S. Court of Appeals in Washington D.C. to review FERC's decisions to approve the facility for construction and to reject petitioners' request for a "rehearing." The petitioners include the community groups Vecinos para el Bienestar de la Comunidad Costera and Save RGV from LNG, local residents Cynthia and Gilberto Hinojosa, as well as Sierra Club and Port Isabel. The Vecinos group is represented by Texas RioGrande Legal Aid (TRLA.)

"It is no coincidence that the people who will breathe the pollution from the facilities are predominantly low-income," said **Kathryn Youker, a Brownsville-based attorney for TRLA**. "Low-income communities of color are routinely subjected to higher levels of pollution, because

their welfare is not considered when contaminating industrial facilities are built. Under federal law, FERC is legally compelled to take into consideration whether they would be disproportionately impacted. We have filed this suit to make them do their job.”

The petitioners’ suit is strengthened by FERC’s Jan. 23 reevaluation of how much cumulative pollution would be generated by Rio Grande LNG and two other fracked gas facilities proposed for nearby sites on the Gulf Coast. Together, the three facilities would produce pollution that could lead to ozone levels in violation of federal Clean Air Act standards. (FERC Order on Rehearing and Stay) “We find that the cumulative impact on regional air quality from ozone could be significant,” the FERC wrote in the Jan. 23 order.

Rio Grande LNG and the other two fracked gas facilities – Annova LNG and Texas LNG – would be constructed on adjacent sites on the Gulf Coast. Building the facilities would require destroying natural habitat for fisheries and wildlife, including the endangered ocelot. The vast majority of the wetlands in the Rio Grande Valley have already been lost, and the sites for the proposed facilities make up a sizeable share of what’s left.

In addition, large vessels to the three facilities would “cumulatively preclude other vessel traffic up to about 39 hours per week.” (Final EIS Rio Grande LNG pg 4-466) For shrimpers and fishers and other boat operators, who need to move freely in the channel, the congestion could be ruinous.

The facilities would increase levels of dangerous pollutants, including nitrogen oxide, which triggers asthma, small particulate matter, which lodges in the lungs, the carcinogens benzene and ethylbenzene, carbon monoxide as well as Co2, which causes global warming. The Rio Grande LNG terminal and Rio Bravo pipeline, which would instantly become the Rio Grande Valley’s largest polluters by far, would emit more than 9 million tons of CO2 equivalent annually.

For nearly four years, the petitioners in today’s legal action – as well as shrimpers and the towns of South Padre Island and Laguna Vista – have fought to challenge approval of permits and environmental reviews by FERC and the Texas Commission on Environmental Quality (TCEQ). A case by Vecinos and Shrimpers and Fishermen of the RGV challenging TCEQ’s issuance of an air pollution permit to Rio Grande LNG is currently pending at the U.S. Court of Appeals for the Fifth Circuit (Shrimpers and Fishermen of the RGV. et al v. Texas Commission on Environmental Quality et al, No. 19-60558).

On Nov. 22, FERC authorized construction of all three plants, despite numerous problems detailed in hundreds of pages of comments by the petitioners. As **FERC Commissioner Richard Glick** wrote in his dissent from the Commission’s denial of petitioners’ request for rehearing: “The upshot of the Commission’s approach is to signal to developers that they can sidestep environmental justice concerns so long as they ensure that all, or substantially all, of a project’s adverse impacts fall on low-income or minority communities.”

Following the authorization of the facilities, petitioners asked FERC to “re-hear” its approval of the proposed Rio Grande LNG facility. FERC rejected the request on Jan. 23. The suit filed today against FERC is the next step in the petitioners’ hard-fought opposition.

“The destruction of natural resources and the blocking of the ship channel would be disastrous for the economic livelihoods of petitioners,” said **Erin Gaines, a TRLA attorney representing the Vecinos group**. “Without healthy tourism and fishing industries, they cannot make a living. On several levels, these facilities spell serious trouble for our clients and everyone else in their communities.”

Established in 1970, Texas RioGrande Legal Aid, Inc. (TRLA) is a nonprofit organization that provides free legal services to about 23,000 low-income Texans in 68 southwestern counties. TRLA’s mission is to promote the dignity, self-sufficiency, safety and access to justice for low-income Texans by providing high-quality legal assistance and related educational services.