

**STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ORANGE**

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DANSKAMMER ENERGY, LLC,

*Petitioner-Plaintiff,*

v.

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION;  
COMMISSIONER BASIL SEGGOS in his official  
capacity; LAURA AND LARRY DOES 1-10 in their  
official capacities; GOVERNOR KATHY HOCHUL in her  
official capacity; and THE STATE OF NEW YORK,

*Respondents-Defendants.*  
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**AFFIRMATION OF SONYA  
CHUNG IN SUPPORT OF THE  
PEAK COALITION'S MOTION  
FOR LEAVE TO APPEAR AS  
*AMICUS CURIAE* AND FILE  
MEMORANDUM OF LAW**

Index No. EF008396-2021

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

Sonya Chung, Esq. affirms under the penalty of perjury pursuant to Rule 2106 of the Civil Practice Law and Rules (CPLR”):

1. I am an attorney at law duly licensed to practice in the courts of the State of New York and a staff attorney at New York Lawyers for the Public Interest, attorneys for proposed *amicus curiae*, the PEAK Coalition.
2. This affirmation is submitted in support of the PEAK Coalition’s motion for leave to appear as *amicus curiae* in support of the Respondents-Defendants and file a memorandum of law as *amicus curiae* in the above-captioned matter. A copy of the proposed memorandum of law is annexed hereto as Exhibit A.

3. The PEAK Coalition is made up of the following organizations: UPROSE, THE POINT CDC, New York City Environmental Justice Alliance (NYC-EJA), New York Lawyers for the Public Interest (NYLPI), and Clean Energy Group (CEG). As a representative of New York Lawyers for the Public Interest, I personally participate in the PEAK Coalition's meetings and activities and am fully familiar with the PEAK Coalition's interests and expertise.
4. This Court has the discretion to accept an *amicus curiae* provided that the movant submits an affirmation supporting its interests with a proposed brief attached, the case concerns questions of important public interest, the *amicus curiae*'s participation will not substantially prejudice the rights of the parties, and the *amicus curiae* participation will invite the court's attention to the law or arguments that might otherwise escape its consideration or otherwise be of special assistance to the court. *See Kruger v. Bloomberg*, 768 N.Y.S.2d 76 (Sup. Ct. New York Cnty. 2003).
5. The PEAK Coalition is the first comprehensive effort in the U.S. to reduce the negative and racially disproportionate health impacts of New York City's peaker plants by retiring and replacing them with renewable energy and storage solutions. The PEAK Coalition brings technical, legal, public health, and planning expertise to support organizing and advocacy led by communities harmed by power plant pollution.
6. The case concerns questions of important public interest. Retiring peaker plants offers a significant opportunity to develop clean energy, invest in environmental justice communities, center racial justice, and improve public health. It is a critical first step to achieving New York State's newly mandated zero-emissions energy sector by 2040 under the innovative New York State Climate Leadership and Community Protection

Act. The PEAK Coalition has engaged with government, public, and private stakeholders throughout New York City and beyond to pursue a just transition in our energy sector.

The PEAK Coalition is especially active at the New York State level in our engagement with legislation, policy, and technical pathways to reduce harmful pollution from power generation.

7. The PEAK Coalition's participation will invite the Court's attention to disadvantaged communities facing the challenge of disproportionate environmental burdens. As New York members of the national Climate Justice Alliance, PEAK members UPROSE, THE POINT, and NYC-EJA have a keen interest in ensuring that New York can be a leader in the just energy transition. PEAK Coalition is an avid supporter of New York's Climate Leadership and Community Protection Act (CLCPA) and believes that state agencies have the power and mandate to ensure that the CLCPA is implemented consistently throughout the state according to Section 7(2) and Section 7(3). The PEAK Coalition will provide assistance to the Court on matters concerning the need to transition from fossil fuel to renewable energy sources that actually help prevent furthering the climate crisis. The PEAK Coalition will highlight the need to reduce the disproportionate harm from air pollution in low-income communities and communities of color everywhere as a moral and public health imperative. Whether or not the New York State Department of Environmental Conservation has the ability to deny Title V Air Permits under the CLCPA will be crucial for whether New York will be able to meet the climate and equity commitments it has made.
8. The PEAK Coalition has conferred with counsel for Petitioner-Plaintiff and Respondents-Defendants, requesting their consent to file the memorandum of law. Petitioner-Plaintiff



RULE 202.8-B CERTIFICATION

I hereby certify pursuant to Part 202.8-b of the Uniform Civil Rules for the Supreme Court & the County Court that, according to the word count tool on Microsoft Word, the total number of words in this affirmation is 742. Thus, this document complies with the word count limit in the aforementioned rule.

Dated: March 16, 2022

*/s/ Sonya Chung* \_\_\_\_\_  
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