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

- Environmental
- Energy
- Lobbying & Election Law Compliance
- Regulatory
- Oil & Gas
- Linear Infrastructure
- Energy Markets
- Renewable Energy
- Semiconductor
- Nuclear Energy
- Data Center & Digital Infrastructure

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

Biography

Yvonne is chair of Barclay Damon's Environmental and Lobbying & Election Law Compliance Practice Areas and co-leader of the Oil & Gas, Linear Infrastructure, and Energy Markets Teams. She 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 project siting and successfully developing projects, with a strong focus on positioning clients to succeed in any resulting litigation. Yvonne's breadth of experience includes all types of manufacturing and development, with a specific focus on the energy sector and the semiconductor industry. The independent research company *Chambers & Partners* notes that Yvonne “is an absolutely amazing professional” and her “experience and professionalism is paramount.”

Yvonne regularly represents clients in complex litigation, including commercial, regulatory, and permitting disputes. 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 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.

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

Additionally, Yvonne 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.

Bar Associations

- New York State Bar Association, Environmental and Energy Law Section, Past 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

- Successfully defended before the Second Circuit Court of Appeals a challenge to the water quality certificate issued by the New York State Department of Environmental Conservation for an interstate natural gas pipeline.
- Serves as co-lead counsel to the SEQRA lead agency in support of the environmental review of Micron's proposed $100 billion semiconductor chip manufacturing facility proposed for Clay, New York, including regular interfacing with federal and state regulatory agencies.
- Served as co-lead counsel to the Onondaga County Industrial Development Agency (OCIDA) on the expansion of the White Pine Commerce Park in Clay, New York, in support of the planned $100 billion Micron semiconductor chip manufacturing facility. Coordinated the Final Supplemental Generic Impact Statement for the expansion of the commerce park.
- Successfully defended an electric generating facility in multiple challenges to its Clean Air Act and Clean Water Act operating permits, including successful decisions on appeal.
- Challenged the NYSDEC's authority under the Climate Leadership and Community Protection Act, resulting in a ruling that the agency's application of the law was both an error of law and arbitrary and capricious.

- Successfully defended a client in a class action lawsuit seeking over $260 million in property and personal injury damages as well as medical monitoring regarding the disposal of waste at a landfill. Ultimately secured dismissal with prejudice prior to fact depositions or expert discovery.
- Represents the Dormitory Authority of the State of New York as environmental counsel for the construction of the New York State Life Sciences Public Health Laboratory to centralize and consolidate existing operations of the Wadsworth Center that are currently located in five separate facilities throughout the Capital Region.
- 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 State, and New Jersey, both onshore and offshore.
- Represents multiple trade associations in an action challenging controversial state rulemaking regarding hydrofluorocarbons.
- 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.
- 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.
- Regularly counsels companies on compliance with SEQRA and NEPA.
- Represents a retail energy-service company in all proceedings before a state regulatory commission, including those related to cybersecurity.
- 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.

- 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.
- 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

- *The Best Lawyers in America*®: Litigation – Environmental, 2013–2027
- *Chambers USA*, Upstate New York: Environment, 2020–2026
- Selected to *Super Lawyers* Upstate New York: Energy, 2013–2021; Environmental Litigation, 2013–2025
- *The Best Lawyers in America*®: Albany "Lawyer of the Year": Litigation – Environmental, 2025
- *Super Lawyers*: Top 25: Hudson Valley Super Lawyers, 2024
- *City & State New York*, Trailblazers in Law List, 2024
- New York State Bar Association Environmental Law Section, Brightest Young Member, 2010

Selected Speaking Engagements

- New York State Bar Association Environmental & Energy Law Section CLEs, “Hot Topics in Siting Renewable Energy Facilities in New York State,” Program Co-Chair; “Permitting of Large-Scale Renewables Before the NYS Office of Renewable Energy Siting,” Moderator
- New York State Bar Association Environmental & Energy Law Section 2025 Annual Meeting, “Cap & Invest,” Moderator
- New York State Bar Association Environmental & Energy Law Section Fall 2024 Meeting, “The RAPID Act,” Moderator
- New York State Bar Association Environmental & Energy Section Fall 2024 Meeting, Program Chair; “Implementation of the CLCPA – Climate Leadership and Community Protection Act,” Moderator
- Business Counsel of the State of New York 2024 Environment Conference, “Environmental Litigation Update,” Panelist
- Business Counsel of the State of New York 2022 Annual Meeting, “How the CLCPA is Impacting Operations and Investments in New York”

Selected Media

- *New York Law Journal*, "Implementation of New York’s Climate Act: Disadvantaged Communities"; "Barclay Damon Highlights Efforts Blocking NY Ban on Refrigerants"
- *New York Focus*, "Gas Industry Eyes Comeback as New York Weighs Climate Law Delays"
- *The Capitol Pressroom*, "Federal Lawsuit Looks to Revive Fracking in New York"
- Law360, “Trump Nationwide Permit Move Could Interrupt Pipeline Suit”; “New York’s Fracking Ban: Politics Under the Veil of ‘Science’”; "Why NY's Flagship Climate Law Is on the Rocks"
- *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”

Selected Alerts & Blog Posts

- Petition for Rehearing Denied by Second Circuit for New York City and State Bans on Gas Appliances in New Buildings
- NDNY Strikes Down NYS Climate Superfund Law

- President Trump Declares National Emergency to Secure the Nation's Bulk Power System
- CLCPA Overhaul Met With Enforcement Letters, Not Regulatory Action
- New York City and State Bans on Gas Appliances in New Buildings Upheld by the Second Circuit