

Citizen Suit Action/RCRA: Conservation Law Foundation Alleges Violations by Natural Gas Pipeline System



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The Conservation Law Foundation, Inc. filed a citizen suit Complaint in the United States District Court of Massachusetts on November 12th alleging violations by the following:

- National Grid USA.
- Boston Gas Company d/b/a National Grid.
- National Grid USA Service Company, Inc.

Besides the Conservation Law Foundation, the Plaintiffs include:

- Greenroots, Inc.
- Mothers Out Front, Inc.
- Catherine Bordon.
- Claire Corcoran.
- Sarah Freeman.
- Judith Foster.
- Robert Kendall.
- John Kyper.
- Stephen Lin.
- John Lyons.
- Roy Smith.
- Dennis Sullivan.
- Tim Williamson.

(Collectively, "CLF").

The CLF alleges violations of the following statutes:

- Resource Conservation and Recovery Act ("RCRA").
- Pipeline Safety Act ("PSA").
- Massachusetts Public Shade Tree Law.
- Massachusetts Environmental Citizen Suit Statute.
- Negligence and creation of public nuisances.

CLF seeks damages, injunctive relief, declaratory relief, civil penalties, reasonable litigation costs, and any relief the Court deems proper to remedy Defendants' violations.

The Defendants are stated to own/operate and maintain 11,193 miles of underground gas distribution mains and 770,505 service pipelines. They are stated to carry gas from city gates for distribution in the city.

CLF alleges that the pipelines are made of leak-prone materials, such as cast iron, wrought iron, steel, and certain plastics. Further, the Complaint alleges that leaks often occur at the connection joints of pipelines, because the gas dries out the material sealing the joints.

Further alleged is that during June through September 2024, the following occurred:

- 8,634 detected gas leaks were present in Defendants' service area.
- 779 detected gas leaks were present in the affected neighborhoods.

Defendants are alleged to have admitted that gas leaks from their pipelines were responsible for the loss of almost 9 million pounds of gas in 2023.

The Complaint further alleges:

- Gas Leaks Cause Explosions and Fires.
- Gas Leaks Poison Trees, Exacerbating the Heat Island Effect and Heat-Related Illnesses.

Such releases are alleged to violate the Resource Conservation and Recovery Act and the previously referenced statutes. In the case of the Resource Conservation and Recovery Act, the Complaint alleges that the Defendants are disposing of solid and hazardous waste because such leaks are composed of hazardous waste constituents and toxic chemicals including but not limited to the following:

- Methane.
- Ethane.
- Hexane.
- Benzene.
- Toluene.
- Heptane.
- Cyclohexane.

Therefore, the Complaint alleges that the Defendants have open dumped and/or are open dumping RCRA hazardous waste exceeding methane limitation at facility structures in violation of that statute and regulation. Such releases are alleged to violate the RCRA imminent and substantial endangerment provision.

A copy of the Complaint can be downloaded [here](#).