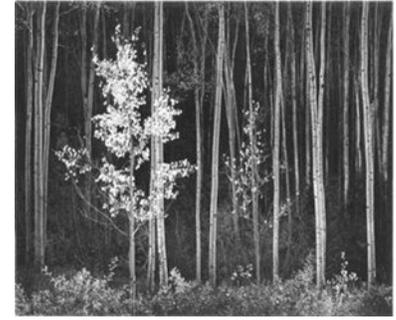




## Hudson-Mohawk Group Late Winter/Early Spring 2021



“This is the American Earth”,  
photograph by Ansel Adams.  
Used by special permission.

### Hudson Mohawk Group Focuses on Denying Re-permitting of Dunn Landfill

As many of our members are well aware, the Dunn Landfill in the City of Rensselaer has become an everyday burden of noise, noxious odors, trucks rumbling up Partition Street and shaking walls and foundations, among many other offensive actions. The Sierra Club Hudson Mohawk Group will be actively involved in disputing the renewal of the permit with the potential for legal analysis and action as this facility moves closer to

Office and the Rensselaer County Environmental Health Director. REC has also purchased PM (particulate matter) and noise monitors to document landfill truck problems. As is clearly evident, REC continues to explore methods to publicize issues regarding the Dunn Landfill

# CLOSE THE DUNN LANDFILL NOW!

[STOPDUNN.ORG](http://STOPDUNN.ORG)



the permitting process in July of 2022. To remind the Rensselaer community and beyond, our colleagues at the Rensselaer Environmental Coalition (REC) have been aggressively doing outreach and education such as the half page notice in the Times Union recently run in January. Please navigate to our recently updated and improved website at: [www.sierraclubhudsonmohawk.org](http://www.sierraclubhudsonmohawk.org) to view the full colorized notice. Also, please navigate to the REC site shown above to get updated information.

As relayed to us, the REC has been busy with their efforts. With a grant from the Public Employees for Environmental Responsibilities (PEER) they have conducted their own air and leachate testing around the landfill and discovered “concerning” levels of PFAS which PEER then reported to the DEC. They then subsequently obtained PFAS test results conducted by DEC from FOIL requests submitted. REC is attempting to get DEC to state whether any of the samples are from leachate and to publicly acknowledge the problem of high PFAS readings and that the Albany Wastewater Treatment plant in Menands does not/cannot treat PFAS contamination. REC also provided PFAS test results to the NYS Attorney General’s

hazards and the need to stop the extension of the permit for the landfill.

For their part, DEC continues to monitor conditions at the Dunn Landfill and report on results. Odor related complaints are near the top of the list in terms of issues. DEC states that it has an enhanced gas collection system for hydrogen sulfide (H<sub>2</sub>S), the chief compound due to decomposition of organic material and other material containing sulfur including C&D debris. Landfill gas is collected and sent to a permanent flare to burn the gases which reduces odors and other emissions, according to DEC. It states that the collection system and flaring are in the initial testing and adjustment phase and that there may be periods in which it is not operating because of that. Importantly for nearby residents, the H<sub>2</sub>S monitors were removed in winter of 2019 due to cold weather and reinstated in April of 2020. They monitor the nearby athletic facilities including the soccer field and baseball field as well as the cemetery. And we should all keep in mind that the Rensselaer High School and (*top of pg. 2*)

Middle School are only about 1,000 yards from the landfill!

A number of Sierra Club members have commented how the landfill is fed by local waste haulers carrying out demolition approved by local planning boards. A good example is the proposed project in Albany near St. Peter's hospital which is slated to be a four year project resulting in demolition of five buildings including a large three story apartment building. Inevitably this and other local project related demolition will end up in Rensselaer unless it is not re-permitted. These connections can't be overlooked and for the people in Rensselaer who face these burdens day in and day out, figuring out a better regional plan than dumping in their backyard, is most definitely a critical necessity!

### **New York State's Forever Wild Under Attack (Again!)**

The DEC has previously put forth a plan to construct what it terms "Class II Community Connector snowmobile trails" in the Adirondacks and undertake unconstitutional destruction of timber" in violation of Article XIV, § 1 ("Article 14") of the New York Constitution. As many of you are familiar with this section and for our members who may not be, it reads:

***The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed***

The plan was rejected by the Appellate Division of New York State and is now being further pursued by the DEC by an appeal to the the Court of Appeals. Directly related to this case is the precedent-setting case of the Association for Protection of Adirondacks vs. MacDonald (253 NY 234 [1930]), when a proposed cutting of timber in the State's protected Forest Preserve ran afoul of the Forever Wild clause of the New York Constitution's express prohibition on the sale, removal, and destruction of timber. The MacDonald Court reaffirmed the primacy of the Forever Wild constitutional protections, and held that if the proposed tree cutting is substantial in nature and material in degree, it cannot stand. And there, this Court held, the cutting of 2,500 trees in the Forest Preserve for an Olympic bobsled run was indeed material, notwithstanding the countervailing policy interests of opening the Preserve for outdoor sports.

Our legislative Director on the Chapter

(Statewide) level Roger Downs weighed in the press release issued along with other organizations by stating: *"The Sierra Club was compelled to file our own amicus brief with the Court of Appeals because we are witnessing the erosion of the "forever wild" clause's highest purpose and meaning," said Roger Downs, Conservation Director of the Sierra Club's Atlantic Chapter. "We are entering a new chapter in our state's history, where the cataclysmic effects of climate change must be met with bold plans to protect our remaining wilderness for resiliency and adaptation. Our future relies upon our wild forests to sequester carbon, protect drinking water and provide refuge in a rising tide of extinction. Violating this constitutional obligation, with plans to log and bulldoze tens of thousands of trees, miles into the Forest Preserve – just to create highways for snowmobiles – sets an alarming precedent that can be replicated across the park and betrays our understanding of Article 14 and all that must be done to secure New York's "forever wild" legacy."*

The organization Protect the Adirondacks! was the original plaintiff in the case. Protect correctly argued that the Forest Preserve had plenty of trees smaller than 3 inches in diameter (which the DEC is trying to remove) and some of them were 75 to 100 years old, and were of similar age and ecological value to full-grown hardwoods that might be several feet thick.

Stated longtime environmental champion David Gibson of Adirondack Wild, *"Our amicus brief asks the Court to read both sentences of Article XIV – all 54 words – as one coherent policy subject to voter approval and beyond DEC's administrative discretion to alter, Because DEC has taken the construction of snowmobile community connectors to an extreme level by lasting and leveling trails for ever-faster mechanized uses and by cutting trees for this faster mechanization beyond a reasonable degree, the State attempts to alter the state constitution by administrative fiat."*

Willie Janeway, Executive Director of the of the Adirondack Council stated: *"Small trees are especially prevalent above 2,500 feet in elevation, where the harsh climate limits the size and thickness of the spruce and fir trees that make up most of the Forest Preserve," Those high-elevation trees contain some of the rarest wildlife habitat in the park (and are the subject of constant skier pressure to create downhill ski trails (see page 4) outside of Whiteface and Gore Mountains). The court should not abandon these forests, regardless of what groups of intensive recreational enthusiasts -- who don't support wilderness preservation -- want."*

## Don't Forget to Check Out our Website!

Our website can be located at:

<http://www.sierraclubhudsonmohawk.org>

We've incorporated some changes in the website including an expanded issues section and we encourage our members to choose an issue they are interested in and passionate about to help us work on the issue. This work could include advocacy at the state and local level, research and analysis, physical labor—see last newsletter about the Bender Melon Farm just to name a few. If an issue strikes you send an email to [psheehan74@aim.com](mailto:psheehan74@aim.com) and we'll provide some guidance.

## Clearing the Air in Coeymans

by Christine Primomo

On November 23, 2020 the Coeymans Town Board unanimously passed amendments to the Town's Clean Air Law four days after only one public hearing. These amendments strip the strong pollution protections in the law and pave the way for any business to burn massive amounts of tires and waste. The Town Board took advantage of a provision in state law (home rule) that allows local municipalities to override county laws. By passing two amendments to the 2019 Coeymans Clean Air Law, it changed the law to allow tire-burning at the Lafarge/Holcim Cement Plant, situated across the street from the Ravena-Coeymans-Selkirk High School on Route 9W and a few miles from 2 elementary schools. The Town of Coeymans is now the only town in Albany County where hazardous waste and tires can be burned in spite of the Albany County Clean Air Law.

A community forum with the Clean Air Coalition moderated by the Sanctuary for Independent Media, was held on February 9, 2021. Panelists included Carlo A.C. de Oliveira, Ravena Resident and Attorney; Matt Miller, AP Biology teacher in the Ravena-Coeymans-Selkirk Schools and Albany County Legislator representing the 36th Legislative District; Joseph Ritchie, environmental justice advocate and the Executive Director of Saratoga Sites Against Norlite Emissions. He is a student at Syracuse University studying Environmental Policy; Jane Williams, Chair of the National Sierra Club Clean Air Team. She is an environmental policy expert with 30 years of policy and advocacy experience. She has extensive knowledge on incinerators. Panelist and Ravena resident Carlo A. C.

## SIERRA CLUB HUDSON-MOHAWK GROUP

### LEADERSHIP

**Chair:** Monica Gray, [monicafgray@hotmail.com](mailto:monicafgray@hotmail.com)

**Vice Chair:** Virginia Boyle Traver,

[virginiabt28@hotmail.com](mailto:virginiabt28@hotmail.com)

**Secretary:** John Nemer, [jello@hotmail.com](mailto:jello@hotmail.com)

**Treasurer:** Jim Dufresne: (518) 233-7957;

[Jdufre1928@aol.com](mailto:Jdufre1928@aol.com)

**Chapter Delegate:** Virginia Boyle Traver,

[virginiabt28@hotmail.com](mailto:virginiabt28@hotmail.com)

**Membership:** Steve Davis

[sdavis@rrhomes.com](mailto:sdavis@rrhomes.com)

**Volunteers/Education Chair:** Tina Lieberman

[tlieberm1@gmail.com](mailto:tlieberm1@gmail.com)

**Outings Chair:** Don Pachner,

[wildplaces@verizon.net](mailto:wildplaces@verizon.net)

**Political Chair:** Steve Redler (518) 428-8993

[steveredler@yahoo.com](mailto:steveredler@yahoo.com)

**Conservation Chair:** Susan Lawrence,

[shlawr2@aol.com](mailto:shlawr2@aol.com)

**Environmental Justice:** Aaron Mair,

[aaronmair@yahoo.com](mailto:aaronmair@yahoo.com)

**Green Calendar:** Tina Lieberman

**Newsletter Editor:** Pete Sheehan (518) 210-5294

[psheehan74@aim.com](mailto:psheehan74@aim.com)

**Webmaster:** Marissa DeMaria

[Dimariamaria@gmail.com](mailto:Dimariamaria@gmail.com)

**Facebook coordinator:** Jon Nemer

[jello165@hotmail.com](mailto:jello165@hotmail.com)

**Saratoga County Conservation:** Bill Koebbeman,

[wkebb2@nycap.rr.com](mailto:wkebb2@nycap.rr.com)

de Oliveira stated that: "*There were recommendations made to the board, by a committee that was composed of three individuals who supposedly investigated the Clean Air Law and concluded that the Clean Air Law was unenforceable, and that if the Clean Air Law remained on the books, the town of Coeymans could be sued by Lafarge and in fact, Lafarge had sent out a letter to the town board, threatening to sue the town, if amendments were not made to the law.*" Ms. Williams stated that once a kiln gets the green light to burn tires, it opens the door to bring in other types of hazardous waste. "A lot of cement plants get paid a tipping fee to burn tires, a lot of cement plants get paid a tipping fee to burn (*see pg. 4*)

Sierra Club Hudson Mohawk Group

P.O. Box 8447

Albany, NY 12208

Non-Profit Org.

U.S. Postage Paid

Albany, NY

Permit 806

Printed on paper  
from sustainably  
managed forests

waste. So now instead of having to buy coal, they're getting paid to take a waste. So that's why there's so much political pressure. It's very important to understand that you great Increase the profitability of your cement plant if you can burn waste."

The Clean Air Coalition is a grassroots volunteer organization fighting for clean air in Ravena, Coeymans, Selkirk, New Baltimore and South Bethlehem.

What you can do: Contact Senator Michelle Hinchey **1)** Call Senator Michelle Hinchey at 518-455-2350 and urge her to introduce a bill banning tire burning in New York State because of the Lafarge/Holcim risk. She is a champion on energy, environmental protection, and economic development representing Senate District 46. **2)** Write Letters to the Editor expressing your views on what you learned about the imminent health threats of burning tires and waste for fuel vs. coal in cement kiln incinerators. **3)** Join the Clean Air Coalition of Greater Ravena-Coeymans [info@cleanairalbanycounty.org](mailto:info@cleanairalbanycounty.org) Become an active volunteer or to receive updates and announcements of the next Community Forum. **4)** Link to the Forum (90 minutes) <https://youtu.be/H3-lff6J0Z8>

### **Clearcutting Near Saratoga Lake—A Disaster Waiting to Happen!!**

We've heard from a member in Saratoga Springs very concerned about I am reaching out to the Hudson-Mohawk Group of the Sierra Club asking your organization to appeal to the Town and Planning Boards of the Town of Saratoga to require a full Environmental Impact Statement for a proposed 32 single family home subdivision at Cedar Bluff Road overlooking Saratoga Lake. The site sits on 111 acres with elevations ranging up to 400 feet above the lake.

Despite the project's significant environmental impacts on Saratoga Lake, the planning board chairman has publicly stated that he does not wish to require a positive declaration for the project. This application has been before the board since 2016 and remains under review. Due to the 2018 amendments to the State Environmental Quality Review Act (SEQRA), a new full Environmental Assessment form must be submitted by the applicant as SEQRA review will start anew. The principal issue relative to Saratoga Lake is the planned clearing of the 56 acres of the set aside Open Space including on the steep slopes illustrated in the attached plot plan. **We need members and attorneys to get involved! Please contact John Cashin at 518-222-9209 or [Cashin\\_jr@hotmail.com](mailto:Cashin_jr@hotmail.com)**