



## Hudson-Mohawk Group Winter, Early Spring 2022



“This is the American Earth”,  
photograph by Ansel Adams.  
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**Web Master needed for Hudson Mohawk Group. Only basic word processing skills needed. Looking for an 18 month commitment. Send email to [Dsheehan74@aim.com](mailto:Dsheehan74@aim.com), subject line: WEBMASTER**

### Dunn Landfill Renewal Heats Up!

The NYS DEC recently ended the speculation regarding the potential renewal of the operating permit of the S. A. Dunn Landfill located within the City Limits of Rensselaer. The current permit to operate the Dunn Landfill expires this year and would typically come up for the cursory review and approval by DEC which has been the common practice. However, that is NOT the case now, especially with the negative publicity generated by the continuing odors, fugitive dust releases and constant trucks rumbling by Partition Street in the City of Rensselaer. The basic sentiment by many observers including citizens, public officials and others is that enough is enough and the landfill

should be closed.

The good news is that the DEC has properly and appropriately decided to treat S.A. Dunn’s renewal application as a new permit (pursuant to 6 NYCRR § 621.11(h)). In its submission to the DEC, S.A. Dunn submitted a Full Environmental Assessment Form (“EAF”) under the State Environmental Quality Review Act (“SEQRA”) with its application. However, it explicitly states that the EAF “applies only to construction of the MSE (mechanically stabilized earthen) Berm.” Through the Hudson Mohawk Group’s attorney John Barone, we urge the DEC to require S.A. Dunn to submit a Full EAF for the entire Solid Waste Management and Mined Land Reclamation Law permit renewals. While renewal applications are typically Type II actions (actions which by regulation, never require further review), under SEQRA, such classification should not apply to a renewal application treated as new. Reliance upon the prior SEQRA review would fail to treat the application as new. Importantly, after S.A. Dunn’s original application and SEQRA review was completed, significant newly discovered material information and changes in the environmental conditions has occurred limiting the reliability of the prior SEQRA review (as report-



Aerial view of Dunn Landfill in Rensselaer with indicators where H<sub>2</sub>S (hydrogen sulfide) have been detected. It is considered a very hazardous gas compound.

ed in this newsletter previously.) Specifically, while the prior SEQRA review concluded that the project addressed and mitigated potential noise, traffic, air quality, and odor, both the community and the DEC have noted significant concerns and issues in these areas during S.A. Dunn's operations. Notably, the DEC modified S.A. Dunn's Solid Waste Management permit in October 2019 noting that the excess odors constitute "*newly discovered material information.*" Thus, we believe that a full SEQRA review of the current on-site characteristics and environmental impacts of the Solid Waste Management activities is appropriate. Therefore, S.A. Dunn should be required to update the EAF to address the entirety of its Solid Waste Management and mining activities.

Lastly, S.A. Dunn proposes a Public Participation Plan (PPP) that includes just two public informational meetings. The second public meeting is proposed for after the 30-day public comment period on a draft permit. This timing limits the utility of such public informational meeting. We are recommending that the second public meeting should instead occur before the public comment period in order to inform such public comment on the permit. Presumably S.A. Dunn proposed the timing of the second meeting in order to address questions and concerns raised during the public comment period. A third public meeting for this purpose would, therefore, be appropriate. Finally, the PPP does not address any public participation in the SEQRA review process. If this application proceeds with a full SEQRA review, as with a new permit, then the PPP should address the procedures for enhanced and informed public participation pursuant to the Environmental Justice policy under SEQRA as well. John Barone's team submitted timely comments to the DEC on January 27th and the basic points in that letter are included above.

A chief goal of our colleagues at the Rensselaer Environmental Coalition (REC) is to convince the Rensselaer City School District to issue a letter to DEC at its monthly meeting March 16, requesting that Dunn's per-

mit be denied. Anyone can attend this meeting. The City of Rensselaer, the Town of East Greenbush and the Rensselaer county legislature have all issued resolutions to this effect. The school is a key component for full community pushback against the landfill.

#### **Update from Northern Waters Committee**

NYS Department of State has funded comprehensive and exhaustive Watershed Revitalization plans for most NY watersheds. The Hudson-Mohawk Northern Watershed Committee is involved with two of them, the St Lawrence, and Upper Hudson. These plans are remarkably candid about the threats to the watersheds and show that probably 50% of the lakes and rivers in NYS are "impaired" for one reason or another, typically from wastewater and stormwater, agricultural runoff, soil erosion, acid rain, industrial pollution and exotics and invasive plants.

A typical plan will describe in detail, by town, every threat to every lake and stream segment in the watershed. Each plan has an oversight body to address and prioritize the many hundreds of recommendations found in them. Formal Watershed plan preparation always employs formal public input, typically employs outside consultants, and involves the DEC, DOS, local Soil and Water Conservation districts and sometimes county planners. Plans follow a structured EPA format for their preparation. The new web site for our committee <https://www.sierraclubhmnw.org> has a *resource* tab with links to four Northern NY watershed plans. To get a good idea of what these plans do, browse the Upper Hudson plan on our website as it is well written, profusely illustrated and explains in detail the many projects proposed in that plan which total three hundred million dollars - for that watershed alone. Our committee's goal is to use our list serv and social media to connect local members with ongoing projects to provide opportunities for them to participate in the worthwhile activities being encouraged by the various plans, so we are thoroughly involved with them at every level.

#### **Community Solar –Go Green AND Save Money!**

Subscribing to a community solar farm is a great way to

support green energy in New York State and save on your electricity costs - guaranteed. Community solar companies pass along New York State subsidies in the form of a credit on your utility bill that provides as much as 10% savings off the utility rate charge. Plus you can also get a bonus sign on gift card for as much as \$200, depending on what community you live in or what company you sign up with. Since acquiring new customers is so expensive, it's actually cost effective for community solar providers to pay you to sign up!

Many communities around the state have opted to become part of the NYSERDA [Clean Energy Communities program](https://www.nyserda.ny.gov/Clean-Energy-Communities/Find-A-Coordinator) and to participate in a local campaign to promote a clean energy product such as community solar, NYSERDA home weatherization discount programs such as Empower and Assisted Home Performance, heat pump technology for heating/cooling and hot water, electric vehicles and demand response. (More information on home energy efficiency programs can be found here: <https://www.nyserda.ny.gov/All-Programs/Home-Energy-Efficiency-Upgrades>).

A local campaign to get residents to sign on to community solar usually involves negotiating with a community solar provider to get the best possible deal. For the 8-county Capital Region, the non-profit Solarize used an RFP process to choose two providers – Nelnet and PowerMarket – who both provide a \$200 gift card for signing on. If you live in Albany, Schenectady, Rensselaer, Columbia, Greene, Washington and Warren Counties you can sign up for this limited time deal at <https://www.solarizealbany.org/community-solar>.

Community solar is for renters, co-op and condo owners and homeowners – for anyone who pays their own electricity bill. When people think of solar energy, they usually imagine solar panels on roofs. Community solar is different – imagine instead a farm of solar panels and you are one of the off-takers of the energy produced. When you sign up for community solar you'll enjoy the following benefits: \*No roof-top panels; \*No sign up or cancellation fees; \*Up to 10% bill discount; \*As much as a \$200 sign on gift card \* Lower your carbon footprint

and support clean, locally generated electricity; \*Keep your current electricity provider and continue to receive their bill. If you're not sure if your community is participating in a Community Solar campaign currently, you can locate your Clean Energy Community Coordinator at <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/Find-A-Coordinator>. Read more about community solar on NYSERDA's website here: <https://www.nyserda.ny.gov/All-Programs/NY-Sun/Solar-for-Your-Home/Community-Solar>

### **Saratoga Lake Development Troubling**

There has been an ongoing proposed development for over one year in the town of Malta to construct 96 condominiums and install a public launch site for kayaks and canoes. The project would replace the existing South Shore Marina. While the Hudson Mohawk Group is strongly in favor of the public launch site, there has not been a SEQRA review which is certainly called for in a development of this scope. This is taking place while on another section of Saratoga Lake, last year a developer cleared a heavily wooded area (see our Jan-March 2021 issue at <http://www.sierraclubhudsonmohawk.org/newsletters/>) on a slope leading down to the Lake and how the Town and Planning Boards of the Town of Saratoga did not prepare a full Environmental Impact Statement under SEQRA for a proposed 32 single family home subdivision at Cedar Bluff Road overlooking Saratoga Lake. That site sits on 111 acres with elevations ranging up to 400 feet above the lake.

The Town Board, which has the ultimate approval for the site, just referred this to the Town Planning Board for a recommendation. We'd ask that our members in Malta write and contact their respective Town Board members and the Planning Board to demand a full EIS review under SEQRA for South Shore Marina project. It is astounding that there has been no discussion of the SEQRA process, one the chief aims of it is to encourage public deliberation and review prior to developments such as this moving forward. If you need more information, contact SC member Joe McTague at 518-727-7023.

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