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PUBLISHED BY VOLUNTEERS FROM THE LOWER HUDSON GROUP SIERRA CLUB

EXCITING DEVELOPMENTS TOWARDS PFAS PROTECTION

By Gale Pisha

2022 brought some encouraging news on the PFAS front. The U.S. Environmental Protection Agency (EPA) released new, much more protective health advisories for two of these chemicals, PFOA and PFOS, and the New York State Department of Health (DOH) is considering setting new standards for 23 others. In addition, NYS passed a law, which Governor Hochul signed, to limit the use of PFAS in apparel, to join earlier laws to ban these chemicals in food packaging and fire-fighting foam.

Per- and polyfluoroalkyl substances (PFAS) were first developed in the 1940s for use in a wide variety of products including Teflon cookware and stain repellents. By 2023, there are over 12,000 of these “forever chemicals,” which persist in the environment and have been linked to health problems like thyroid disease, kidney and testicular cancer, and developmental problems in unborn children.

In the last three years, PFOA and PFOS have been detected in drinking water wells in Rockland, Westchester and Putnam Counties. Some of the test results came in above current NYS Maximum Contaminant Levels (MCLs) of 10 parts per trillion (ppt), with other PFAS chemicals present for which NYS does not yet have any standards for treatment or notification, and some were slightly below the MCL. According to NYS law, only drinking water sources which have higher levels of contamination than the MCL are required to be cleaned up.

New Developments in 2022

In June, the EPA declared that there is essentially no safe level of exposure to PFOA and PFOS, setting advisory levels of 0.004 ppt and 0.02 ppt respectively. This past fall, the NYS DOH issued proposed standards on 23 other PFAS chemicals which will determine when these toxins get cleaned up and when New Yorkers are notified of their presence in drinking water.

DOH set draft treatment standards of 10 ppt for four of these 23 chemicals plus a combined MCL of 30 ppt for

those four plus PFOA and PFOS. This means that even if individual levels of each one are below the 10 ppt MCL, if together they total 30 ppt, they must be cleaned up. For the remaining 19 PFAS, a combined Notification Level (NL) was set at 30 ppt for a group of 6, and a 100 ppt combined NL for the other 13.

Why This Matters

While it is encouraging that NYS is moving towards regulation of PFAS, in light of the EPA’s health advisories, the proposed MCLs and NLs are too weak. At least 400,000 New Yorkers in the Hudson Valley are drinking PFAS-polluted water at levels that technically fall under the DOH’s current or proposed limits but which would exceed lower, more protective standards. With the current and proposed standards, these water sources would not be cleaned up. States like Massachusetts, Maine, Michigan and Rhode Island have already adopted stronger standards than New York is proposing.

Water systems in Ossining, Mount Kisco, Croton-on-Hudson, Carmel and Rockland have detected PFOA at levels at least 1,000 times higher than the EPA health advisory and PFOA at least 100 times higher. These two chemicals are the oldest PFAS, and health studies suggest that other of the 12,000+ PFAS are also likely to cause bad health impacts. The good news is that if water systems are required to set up filtration of their drinking water sources because of regulated chemicals, most of the non-regulated PFAS will be removed, as well.

continued on next page

Membership Meeting Schedule

Visit SierraLowerHudson.org and select Events

Visit RocklandSierraClub.org

All meetings via Zoom, link on websites

EXCITING DEVELOPMENTS TOWARDS PFAS PROTECTION...*continued from front page*

What You Can Do

Therefore, setting up the most protective standards is critical to protecting the long-term health of New Yorkers. After a public comment period which ended in December, DOH will issue final regulations in March.

There is still time for you to contact Governor Hochul's office and ask her to have the DOH set lower, more protective standards than the current proposals, as close to zero as

possible. If the proposed regulations are adopted, many of our drinking water sources will not be cleaned up and we will continue to face healthcare costs that greatly exceed the cost of cleanup.

Call the governor's office at 1-518-474-8390 or submit your comment on her contact form at <https://www.governor.ny.gov/content/governor-contact-form>. Get your message in before March, if possible!

ALBANY LEGISLATIVE UPDATE

By Gale Pisha

Some of the most important work done by Sierra Club activists and staff is to promote good environmental laws at the state and federal levels. 2022 saw significant legislation passed in Albany and signed into law. In addition to bills that were part of the Fiscal Year 2023 state budget, such as wetlands protection, standalone bills that passed both the Senate and Assembly and were signed into law by the governor included:

- Cryptocurrency Mining Center Moratorium, S.6486-D/A.7389-C (see separate article in this issue)
- Utility Thermal Energy Network and Jobs Act, S.9422/A.10493, to develop thermal energy networks throughout the state and provide jobs for transitioning utility workers
- Building Codes and Flood Resiliency, S.7582/A.9216-B, sponsored by Senator Mayer and Assembly Member Otis, which requires examination of current and recommendation of future building code requirements for flood mitigation
- Right to Repair, S.4104-A/A.7006-B, which requires original electronic equipment manufacturers to provide diagnostic and repair information so consumers can repair their own devices, saving money and keeping them out of landfills
- PFAS in Apparel Ban, A.7063-A/S.6291-A, which prohibits the use of PFAS chemicals in common apparel as an intentionally added chemical
- 30 by 30, S.6191-A/A.5390-B, setting a goal for the state to conserve at least 30% of NY's land by 2030, in an effort to combat the biodiversity and climate crises
- Cumulative Impacts, S.1031-C/A.2103-D, sponsored by Senator Stewart-Cousins and Assembly Member Pretlow, which requires environmental impact statements to consider whether siting a facility will cause a disproportionate burden on economically distressed areas which already have concentrated sources of pollution.

On January 10, 2023, Governor Hochul gave her State of the State address, which laid out her priorities for this year's budget. Intending to synchronize with the Climate Leadership and Community Protection Act and its Climate Action Council Scoping Plan (see separate article in this issue), the governor announced an economy-wide cap and invest program to generate revenue from pollution emitters for the transition to a zero emission society. The governor supports the goal of zero emissions by 2025 for small buildings and 2028 for large buildings. As a step in this direction she wants to prohibit the sale of new fossil-fuel equipment to small buildings by 2030 and to large buildings by 2035. In addition, she promised to help communities detect and clean up toxic PFAS chemicals (see PFAS article in this issue), expand EV charging infrastructure, and develop recycling programs to reduce packaging waste.

For 2023, Sierra Club supports legislation like the All Electric Building Act, S.562-A/A.920-A, and other bills to help New York transition to a zero emission economy. We continue to work with state legislators like Senator Harckham and Assembly Members Zebrowski and Burdick to stop the use of PFAS chemicals in the state and to protect our pollinators by eliminating non-essential uses of certain pesticides. In the transportation sector, our activists and staff are supporting efforts to decrease emissions from warehouses, institute an e-bike rebate, make it easier to buy EVs in NY, and encourage the adoption of electric trains, planes and ferries.

To view Sierra Club Atlantic Chapter's legislative work at any time, go to <https://atlantic2.sierraclub.org> and click on the Legislation tab. There you will find a list of bills which we support or oppose, along with memos stating the reasons why and the current status of the bills.

The author is a member of Lower Hudson Group and co-chairs the Atlantic Chapter's state level Legislative Committee.

Join us to work on environmental issues in Rockland County!

Rockland Sierra Club was one of the groups leading the successful effort to defeat plans to desalinate Hudson River water for Rockland's drinking water. We are now helping the County craft a sustainable water management policy. We are also working to limit new fossil fuel infrastructure and have partnered with 350.org on efforts to address climate change through divestment and through promoting Climate Smart/Clean Energy Communities programs for towns and villages.

Rockland Sierra Club usually meets on the second Monday of each month. Check RocklandSierraClub.org for dates and locations. For more information: pkurtz9@gmail.com or call 845-709-0802.

HIKES AND OTHER OUTINGS

Don't forget to check the Outings page on our group website for all kinds of outings. They're fun and invigorating, and a great way to meet like-minded people of all ages and walks of life.

Visit SierraLowerHudson.org and click Outings.



CONGRATULATIONS TO THE NEW LHG EXECUTIVE COMMITTEE MEMBERS!

Thank you for voting in last fall's 2022 election for Lower Hudson Group Executive Committee!

The following members were elected/re-elected to two-year terms and took their seats at the first LHG meeting of the year on January 19, 2023: Peggy Kurtz, Ed Berry, Martha Upton, and Liam Robb O'Hagan.

In addition to the four members whose terms expired at the end of 2022, Jerry Ravnitzky has notified us that he will be stepping down from the ExCom. Linda Brunner has been appointed to fill out the remaining year of Jerry's term.

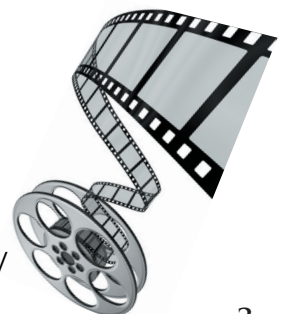
The new members join current ExCom members in the middle of their two-year terms: Marilyn Elie, Bill Meyer, Sarah Wilson, and Gail Dutan. Our thanks to Gale Pisha and Jerry Ravnitzky for their service during the past two years.

FILM REVIEW: *THE LETTER: A MESSAGE FOR OUR EARTH*

The 2022 film, *The Letter: A Message for Our Earth*, tells the story of Pope Francis's 2015 encyclical, *Laudato Si': on care for our common home*, his plea for the world to wake up to the destruction of Creation wrought by us. This caused some controversy at the time. At 1 hour 20 minutes, the film is moving and refreshing. Several people are invited to meet the pope. They represent youth, indigenous peoples, the poor, and the voice of Nature.

To see the trailer, visit <https://www.youtube.com/watch?v=l3EBHebH17Y>

To see the film from its website, visit <https://www.theletterfilm.org/watch/>



THE CRYPTOCURRENCY MORATORIUM: IT PAUSES FUTURE STARTUPS BUT EXISTING PLANTS ARE MOVING FORWARD

By Laura Burkhardt

On November 22, 2022, New York became the first state in the nation to protect the environment from energy-intensive cryptocurrency operations (also referred to as Bitcoin mining). On that day Governor Hochul signed S.6486-D/A.7389-C, legislation that puts a two-year hold on new air permits for electric generating facilities providing electricity for Proof-of-Work cryptocurrency operations. This will allow time for a full generic environmental impact study to be done to determine whether such electricity generation, typically done at retired fracked gas power plants and consequently adding enormous amounts of greenhouse gases to the environment, is consistent with the climate goals of the Climate Leadership and Community Protection Act (CLCPA). By some estimates, mining cryptocurrencies like Bitcoin consumes as much energy as an entire country such as Argentina, Norway or Sweden. Meanwhile, the adverse environmental results are borne by local communities affected by pollution as well as by global communities impacted by climate change.

Greenidge Power Station Still Operating Despite Air Permit Denial

Unfortunately, the moratorium does not affect air permit applications that had already been submitted before its enactment. This is the case with the **Greenidge Power Station**, a 112-megawatt (MW) gas-fired power station near Dresden, New York. This generating plant was built in 1937 to burn coal, and it produced coal-fired electricity until its closure in 2011. At one time, the Greenidge Power Station consisted of six coal-fired boilers, which provided steam to power four turbine generators, giving a generating capacity of over 200 megawatts. In the years after 1985 four boilers and three turbines were taken out of service.

In 2011 the plant was shut down because there wasn't enough regional energy demand to justify the operating costs; the owners filed for bankruptcy. The plant was inactive from 2011 until 2017, when it was purchased by Atlas Holdings (as Greenidge Generation LLC) and converted to burn natural gas. But the plant was not profitable as a gas burning facility, so the plant's new owners began mining Bitcoins with some of the power generated at the site. By March of 2020, the site was using 14 MW; by October of 2021, it was up to 44 MW; by the end of 2022, Greenidge hoped to be utilizing 85 of the plant's total capacity of 106 MW for Bitcoin mining. Greenidge has also announced plans to scale Bitcoin mining to 500 MW by 2025.

To add insult to injury, the plant is operating behind the meter, meaning that none of the electricity goes into the grid to power homes and businesses but all of its emissions and pollution affect the entire community. And there are other environmental concerns.

- 1) The plant draws up to 139 million gallons of fresh water per day to cool the plant. 134 million gallons of heated water are then expelled back into the lake. The intake pipes suck in water, plants, and animals indiscriminately, resulting in destruction of fish, larvae, and other wildlife. The heated water discharged into the lake raises the lake's normal surface temperatures, with significant negative effects on the resident fish.
- 2) The plant faces significant legacy pollution; it is first on the list of coal ash sites that were potentially situated below the water table. Should the ash be left in place, the plant would be in violation of federal rules.

In June 2022 the NY Department of Environmental Conservation denied Greenidge's application to renew its Title V Air Permit because of its greenhouse gas emissions that are not in keeping with the state's climate emission goals set in the 2019 CLCPA, Greenidge appealed the decision and was allowed to keep operating through the ongoing hearings.

The Greenidge Generation LLC issues conference concluded on January 6, according to the Department of Environmental Conservation (DEC). The Administrative Law Judge scheduled a hearing for Jan. 13 for stipulation of facts to be agreed to and signed by the company, DEC staff, and petitioners.

Greenidge's brief is due February 1. DEC and petitioners must submit response briefs by March 1. No further submissions are allowed unless subsequently authorized by the Administrative Law Judge, according to the DEC.

Assemblywoman Anna Kelles, sponsor of the moratorium legislation, along with Sierra Club and other environmental organizations who oppose Bitcoin mining at Greenidge, are eagerly awaiting the DEC's response and judicial decision expected later this year.

Fortistar Purchase by Digihost, A Cryptocurrency Mining Company, Approved by PSC

Fortistar North Tonawanda is another case in point. On September 15, 2022, the NYS Public Service Commission (PSC) approved the sale of Fortistar, a 55-megawatt fracked gas power plant in the City of North Tonawanda, to Digihost International, a Canadian cryptocurrency mining company. Over the last five years, Fortistar has only operated between 10 and 74 days per year, emitting relative-

THE CRYPTOCURRENCY MORATORIUM:...*continued from front page*

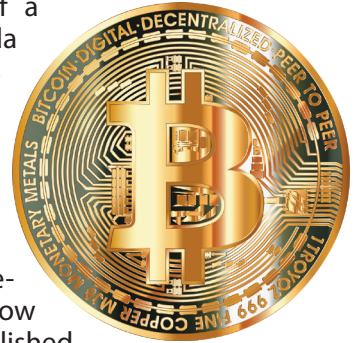
ly small amounts of carbon dioxide and other harmful air pollutants. With the approval by the PSC, Digihost will be able to operate 24/7/365, increasing its greenhouse gas emissions up to 3500%.

While the City of North Tonawanda is surrounded by water and wildlife, it bears the burden of significant pollution. Communities surrounding the gas plant have been designated as draft "disadvantaged communities" under state law, and include census tracts that the state has assessed as bearing an environmental burden greater than that borne by 90% of the state. The increase in operations at Fortistar would also result in higher levels of dangerous local air pollutants that cause asthma, cancer, and premature death, harming an already environmentally overburdened community in violation of the CLCPA.

Fortistar has applied for a renewal of its air permit, but the DEC has not yet deemed their application complete. On January 13, 2023, Clean Air Coalition of Western New York and Sierra Club, represented by Earthjustice, filed suit with the Supreme Court of Albany County, citing violations of the CLCPA by the PSC when it approved the Fortistar sale without further review.

The plaintiffs argue in their 22-page filing that "the PSC failed to conduct the analysis required by the CLCPA," which requires state agencies to consider the greenhouse gas and environmental justice impacts of their decisions. "The Public Service Commission decided to approve the cryptocurrency purchase of a gas plant in North Tonawanda without doing that analysis that is required under the climate law... we are seeking to hold them accountable," said Hillary Aidun, an attorney at Earthjustice.

The lawsuit is the first to demand that a state agency follow the legal obligations established by the CLCPA. In addition to the Public Service Commission, Fortistar North Tonawanda LLC., North Tonawanda Holdings, LLC. and Digihost International Inc. are listed as defendants in the case. The case has been registered in New York's digital court document system but when this publication went to press a judge had not yet been assigned.



SAVING BUTTONHOOK FOREST

By Gail Dutan

Last year while tabling at the Ossining Green Day Festival, I learned about a place called Buttonhook and the battle going on to save it from development. The 20.3 acre forest is owned by the Chappaqua Central School District. In 2010, they put it up for sale after realizing they had no use for building new schools on it. They have spent about \$645,000 of school funds on engineering plans trying unsuccessfully to get New York City Department of Environmental Protection (DEP) approvals to subdivide the lot, because storm runoff from construction could impact the NYC water supply. In 2021 the school district accepted an offer from a developer. But because the DEP won't approve any plans submitted so far, the process has been stagnant.

Friends of Buttonhook, a nonprofit, was formed after concerned citizens and neighbors had been fighting to preserve the forest for about 10 years. They have been raising money to try and buy the land. In 2022, they made an offer and gave a deposit after the school district reopened the property for sale. They are still waiting for a response from the school district, even though the check was cashed.

Tours are offered by Friends of Buttonhook for a small fee which goes toward continued endeavors to protect the forest. It really was quite amazing to be shown the effigies and ancient ceremonial stone sites around neighboring

land adjacent to the school-owned property. Brotherhood Indian Nation members have visited the site and identified it as a sacred native landscape. They once inhabited this area but were forced out. Highlights of the tour were the stone effigies of snakes and turtles and markings that showed the direction of water flow underground.

Why is it worth saving? Firstly, development would require 676 trees be clearcut, along with the destruction of habitat, bedrock and a rare 100-acre carbon sink. Secondly, it could be used as a space for education on climate change. Instead of destroying the land, it should be a hands-on way to teach our children about ecosystems and Native American heritage. Thirdly, the Native American sacred ceremonial stone landscapes there should be preserved for future generations.

After taking the tour, a walk in the woods is so much more meaningful now. You may even be able to take notice of possible effigies in your own backyard.

As of this writing, the developer is suing Chappaqua schools for \$2.77 million for breach of contract.

Learn more about Buttonhook and its mission at www.preservebuttonhook.org.

PROGRESS TOWARDS NEW YORK'S CLIMATE CHANGE MITIGATION GOALS

by Gale Pisha

The landmark Climate Leadership and Community Protection Act (CLCPA), passed in 2019, mandates that New York State will achieve a 100% reduction in greenhouse gases by 2050 (85% actual reduction, 15% offsets for unavoidable emissions), a goal which is in line with recommendations from the UN Intergovernmental Panel on Climate Change to avoid cataclysmic climate disruption. For New York's electric sector, that means a 70% renewable grid by 2030 and a 100% carbon neutral grid by 2040. With a clean energy grid, as the building and transportation sectors are electrified, they will be using renewably generated electricity supplemented by energy storage.

The CLCPA set up a Climate Action Council (CAC) to work out the details of the transition to a clean energy economy in a way that protects workers and disadvantaged communities. During 2021, the CAC took input from Advisory Panels in the areas of transportation, energy-intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry. On January 1, 2022, the CAC issued a Draft Scoping Plan with recommended actions for the state to achieve CLCPA goals. At least six public meetings on the draft plan were held during the year and public comment was accepted in writing.

The final scoping plan was issued in December, and environmentalists were pleased to see that the plan stayed reasonably strong, despite intensive measures of the fossil fuel industry to weaken it. The final plan limits the role for new fossil fuels in the electric, transportation and building sectors, confining the use of gas and oil to last resort situations of absolute need. The Just Transition Working Group of the CAC found that implementing the recommendations in the Scoping Plan will lead to job and economic growth in the state.

Two main areas related to energy were addressed: stopping permitting of any new combustion power plants and phasing out existing peaker gas plants in the state. Sierra Club would like to see a process implemented where the state will look at existing gas plants, do a reliability study which will take into account environmental justice considerations, and map out a timeline for which plants can be retired without sacrificing reliability. A blueprint is being considered administratively as well as in legislation, and Sierra Club is involved in both processes.

Thanks to all of you who came to the CAC hearings or submitted written comments. The large response from citizens concerned about climate change helped counter fossil fuel industry influence. Stay tuned for future calls to action as New York continues to develop and implement a more detailed blueprint for getting to a clean energy economy!



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*"The wild places are where we began.
When they end, so do we."
-David Brower*



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