

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
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www.dec.ny.gov

May 18, 2022

Mr. Dale Irwin
Lockwood Hills, L.L.C.
590 Plant Road, PO 187
Dresden, NY 14441

Re: **Lockwood Ash Disposal Landfill**
SPDES Permit Issuance
DEC ID #8-5736-00005/00001, SPDES Renewal and Modification
SPDES NY 0107069
Torrey (T), Yates (C)

Dear Mr. Irwin:

The purpose of this letter is to transmit the modified and renewed State Pollutant Discharge Elimination System (SPDES) permit for the above referenced facility. Please note the effective date of the modification.

The following changes to the permit are included: new effluent limitations for stormwater discharges from the new Outfalls 002 & 003, BMP requirements, monitoring for color for Outfall 001, a 12-month rolling average limitation for mercury; and updates the Copper limitation to WQBEL for Outfall 001, sampling frequency for the leachate pond (Outfall 001) to once per discharge event and every 14 days within a single event, WET testing action levels based on new dilution ratio with sampling during years ending in 3 and 8 (for Outfall 001), as well as, updated outfall designations, stormwater requirements, flow diagrams, etc. Also, the groundwater monitoring program requirements were removed from the permit as they are now covered under the Environmental Management Plan as part of the Part 360 series Permit for the facility.

Please note that under 6 NYCRR Part 621.10 of the Uniform Procedures Act, if a permit for a project is denied, or is issued with significant conditions attached and an adjudicatory public hearing was not held, then the applicant may request that one be held. Such a request must be made within 30 calendar days of the date of the mailing of either the notice of denial or the permit with conditions.

Please note: an application to renew this permit must be submitted to the New York State Department of Environmental Conservation (NYSDEC) at least 180 days prior to permit expiration pursuant to 6 NYCRR Part 621.11(b).

If any questions arise or if problems develop with the facility during the life of this permit, please contact Jonathan Tamargo with the Division of Water at (585)226-5451. If you have questions about the permit issuance, you can contact me at (585)226-5392.

Sincerely,



Kimberly A. Merchant
Deputy Permit Administrator

Enclosure: SPDES Permit Modification and Renewal
Fact Sheet
Responsiveness Summary

Cc by Email with modified Permit:

J. Tamargo, DOW R8
T. Haley, RPA
T. Blum, RWE, DOW R8
C. Winters, DOW CO
D. Canestrari, DOW CO
L. Schwartz, OGS R8
C. Jamison, DOW CO
G. MacLean, DMM, DEC R8
D. Loew, RA, OGS, R8
B. Schilling, RE, R8
T. Panaski, Lockwood Hills, LLC
USEPA, Region II
NYSDOH Geneva Office
James Daigler, Daigler Engineering, PC



Department of
Environmental
Conservation

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	4953	NAICS Code:	562219	SPDES Number:	NY0107069
Discharge Class (CL):	01	DEC Number:	8-5736-00005-00001		
Toxic Class (TX):	T	Effective Date (EDP):	07/01/2022		
Major-Sub Drainage Basin:	07-05	Expiration Date (ExDP):	06/30/2027		
Water Index Number:	Ont. 66-12-P 369-115	Item No.:	898-453	Modification Dates (EDPM):	-
Compact Area:	IJC				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS						
Name:	Lockwood Hills LLC			Attention:	Dale Irwin	
Street:	590 Plant Road, PO Box 187					
City:	Dresden			State:	NY	Zip Code: 14441
Email:	dirwin@greenidge.com			Phone:	315-536-2359	

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL									
Name:	Lockwood Ash Disposal Site								
Address / Location:	Swarthout Road					County:	Yates		
City:	Dresden				State:	NY	Zip Code: 14441		
Facility Location:	Latitude:	42 °	40 ' 27 "	N	& Longitude:	76 °	57 ' 34 "	W	
Primary Outfall No.:	001	Latitude:	42 °	40 ' 33.59 "	N	& Longitude:	76 °	57 ' 42.54 "	W
Wastewater Description:	Treated landfill leachate		Receiving Water:	Keuka Lake Outlet		NAICS:	562219	Class: C(T)	

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
CO BWC - SCIS
RWE
RPA
EPA Region II

Permit Administrator:	Kimberly Merchant		
Address:	NYSDEC, 6274 E.Avon-Lima Road, Avon, NY 14414		
Signature:		Date:	05/18/2022

SUMMARY OF ADDITIONAL OUTFALLS

Outfall	Wastewater Description	NAICS Code	Outfall Latitude				Outfall Longitude									
002	Stormwater	562219	42	°	40	'	33.49	"	N	76	°	57	'	45.12	"	W
Receiving Water:		Keuka Lake Outlet									Class:		C(T)			
003	Stormwater	562219	42	°	40	'	29.66	"	N	76	°	57	'	46.73	"	W
Receiving Water:		Keuka Lake Outlet									Class:		C(T)			

DEFINITIONS FOR PERMIT LIMITS, LEVELS AND MONITORING TERMS

TERM	DEFINITION
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by 12.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the Department.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See NYSDEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Year Round	Keuka Lake Outlet	07/01/2022	06/30/2027

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Daily Average	Monitor	MGD	-	-	Each Event	Calculated		X	1
	Daily Maximum	0.25	MGD	-	-	Each Event	Calculated		X	1
Duration of Discharge	Daily Maximum	Monitor	Days	-	-	Each Event	Calculated		X	1,2
pH	Range	6.0-9.0	SU	-	-	Each Event	Grab		X	1,3
Temperature	Daily Maximum	Monitor	°F	-	-	Each Event	Grab		X	1,3
Total Suspended Solids (TSS)	Daily Maximum	50	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3,4
Oil & Grease	Daily Maximum	20	mg/L	-	-	Each Event	Grab		X	1,3
Aluminum, Total	Daily Maximum	2.4	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Arsenic, Total	Daily Maximum	0.10	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Cadmium, Total	Daily Maximum	0.11	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Copper, Total	Daily Maximum	0.33	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Boron, Total	Daily Maximum	Monitor	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Iron, Total	Daily Maximum	4.0	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Manganese, Total	Daily Maximum	3.0	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Mercury, Total	Daily Maximum	50	ng/L	-	-	Semi-annually	Grab		X	3,5
	12-MRA	12	ng/L	-	-	Semi-annually	Calculated		X	3,5,6
Selenium, Total	Daily Maximum	0.07	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Zinc, Total	Daily Maximum	2.0	mg/L	-	-	Each Event	24-hr. Comp.		X	1,3
Color, apparent	Daily Maximum	Monitor	PCU	-	-	Each Event	Grab		X	1,3,7
WHOLE EFFLUENT TOXICITY (WET) TESTING		Limit	Units	Action Level	Units	Sample Frequency	Sample Type	Inf.	Eff.	FN
WET - Acute Invertebrate	See footnote	-	-	6.6	TUa	Quarterly	See footnote		X	8,9
WET - Acute Vertebrate	See footnote	-	-	6.6	TUa	Quarterly	See footnote		X	8,9
WET - Chronic Invertebrate	See footnote	-	-	24	TUc	Quarterly	See footnote		X	8,9
WET - Chronic Vertebrate	See footnote	-	-	24	TUc	Quarterly	See footnote		X	8,9

Footnotes on next page

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	LIMITATIONS APPLY	RECEIVING WATER	EFFECTIVE	EXPIRING
002 & 003	Year Round	Keuka Lake Outlet	07/01/2022	06/30/2027

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Daily Average	Monitor	MGD	-	-	Quarterly	Instantaneous		X	8,10
	Daily Maximum	Monitor	MGD	-	-	Quarterly	Instantaneous		X	8,10
pH	Range	6.0-9.0	SU	-	-	Quarterly	Grab		X	8,10
Temperature	Daily Maximum	Monitor	°F	-	-	Quarterly	Grab		X	8,10
Boron, Total	Daily Maximum	Monitor	mg/L	-	-	Quarterly	24-hr. Comp.		X	3,8,10
Zinc, Total	Daily Maximum	Monitor	mg/L	-	-	Quarterly	24-hr. Comp.		X	3,8,10

FOOTNOTES:

1. Sampling will occur for each discharge event. A discharge event is batch release from the leachate pond.
2. The duration of each discharge event is required to be monitored and recorded.
3. Composite samples shall begin with the first day of discharge. Sampling, for each parameter as identified above, shall be repeated every 14 days, during a single discharge event.
4. Untreated runoff associated with a 10-year, 24-hour, or greater, rainfall event shall not be subject to the TSS limitation.
5. EPA Method 1631 is required for Mercury Sampling.
6. The 12-month rolling average for Mercury is defined as the sum of the current month's monthly average concentration added to the monthly averages from the eleven previous months, divided by the number of months for which samples were collected in the 12-month period.
7. PCU is defined as Platinum-Cobalt Units.
8. Quarterly samples shall be reported as calendar quarters (Q1 – January 1st to March 31st; Q2 – April 1st to June 30th; Q3 – July 1st to September 30th; Q4 – October 1st to December 31st).
9. **Whole Effluent Toxicity (WET) Testing:**
Testing Requirements – Chronic WET testing is required, but report both the acute and chronic results. Testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be *Ceriodaphnia dubia* (water flea - invertebrate) and *Pimephales promelas* (fathead minnow - vertebrate). Receiving water collected upstream from the discharge should be used for dilution. All tests conducted should be static-renewal (two 24-hr composite samples with one renewal for Acute tests and three 24-hr composite samples with two renewals for Chronic tests). The appropriate dilution series should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test may be required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 22:1 for acute, and 24:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed quarterly (calendar quarters) during calendar years ending in **3** and **8** for the duration of the permit.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48\text{-hr LC50})$ [note that Acute data is generated by both Acute and Chronic testing] and $TU_c = (100)/(7\text{-day NOEC})$ or $(100)/(7\text{-day IC25})$ when Chronic testing has been performed or $TU_c = (TU_a) \times (10)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48-hr LC50, 7-day NOEC and/or IC25 are all expressed in % effluent. This must be done, including the Chronic prediction from the Acute data, for both species unless otherwise directed. For Chronic results, report the most sensitive endpoint (i.e. survival, growth and/or reproduction) corresponding to the lowest 7-day NOEC or IC25 and resulting highest TU_c . For Acute results, report a TU_a of 0.3 if there is no statistically significant mortality in 100% effluent as compared to the control. Report a TU_a of 1.0 if there is statistically significant mortality in 100% effluent as compared to the control, but insufficient mortality to generate a 48-hr LC50. Also, in the absence of a 48-hr LC50, use 1.0 TU_a for the Chronic prediction from the Acute data, and report a TU_c of 10.0.

The complete test report including all bench sheets, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period with your WET DMR and to the WET@dec.ny.gov email address. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a , 48-hr LC50 for Acute tests and/or TU_c , NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Identification/Reduction Evaluation (TI/RE) in accordance with Department guidance. Enforceable WET limits may also apply. The permittee shall be notified in writing by their Regional DEC office of additional requirements. The written notification shall include the reason(s) why such testing, TI/RE and/or limits are required.

10. A sample must be taken of the stormwater discharge resulting from a qualifying storm event with at least 0.1 inch of precipitation (defined as a measurable storm event), providing the interval from the preceding measurable storm is at least 72 hours. In the case of snowmelt, samples must be taken during a period with a discharge from the site. The sample must be taken during the first 30 minutes (or as soon as practical, but not to exceed one hour) of the discharge at the outfall.

SPECIAL CONDITIONS

1. The Lockwood Ash Disposal Site is for disposal of solid waste material from the Greenidge Generating Station, and from other facilities approved by NYSDEC. Approval shall be obtained from NYSDEC Division of Materials Management, in accordance with the Part 360 permit, prior to disposal of solid waste from other sources not previously approved. Region 8 Division of Water shall be copied on any such requests and approvals.
2. The permittee shall operate the disposal facility in accordance with the Part 360 Series, the Final Environmental Impact Statement, and the plans, specifications and engineering report approved for this facility by the Division of Materials Management.
3. The permittee shall sample Outfalls 002 & 003 during the first qualifying discharge event for the following parameters: Total Aluminum, Total Arsenic, Total Boron, Total Cadmium, Total Copper, Total Iron, Total Manganese, Total Selenium, Total Zinc. The laboratory report and a table summarizing the data shall be submitted to SPDESapp@dec.ny.gov and attached to the DMR.

BEST MANAGEMENT PRACTICES FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.
2. **Compliance Deadlines** – The initial BMP plan shall be submitted in accordance with the Schedule of Submittals to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.
3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.
4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

- | | | |
|-------------------------------------|---|---------------------------------|
| 1. BMP Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

BEST MANAGEMENT PRACTICES FOR INDUSTRIAL FACILITIES

5. **Stormwater Runoff from Areas adjacent to disposal ponds or landfills:** The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from areas adjacent to disposal ponds or landfills. The permittee must develop procedures to:
 - a. Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and
 - b. Reduce ash residue on exit roads leading into and out of residue handling areas. Procedures shall be provided to the NYSDEC upon request.

6. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater from Construction Activity to Surface Waters** - A SWPPP shall be developed prior to commencing any construction activity that will result in soil disturbance of one or more acres of uncontaminated area¹. (Note: the disturbance threshold is 5000 SF in the New York City East of Hudson Watershed). The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall be maintained on-site and submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of the NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges. SWPPPs must be developed for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.

¹ Uncontaminated area means soils which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges.

MERCURY MINIMIZATION PROGRAM (MMP) - Type III

1. General - The permittee must develop, implement, and maintain a mercury minimization program (MMP), containing the elements set forth below, to reduce mercury effluent levels with the goal of achieving the WQBEL of 0.7 ng/L.
2. MMP Elements - The MMP must be a written document and must include any necessary drawings or maps of the facility and/or collection system. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. At a minimum, the MMP must include the following elements as described in detail below:
 - a. Monitoring - Monitoring at outfall, influent and other locations tributary to compliance points may be performed using either USEPA Method 1631 or another sufficiently sensitive method, as approved under 40 CFR Part 136². Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring must be coordinated so that the results can be effectively compared between locations.

Minimum required monitoring is as follows:

- i. Plant Influent and/or Effluent – The permittee must collect samples at the location(s) and frequency as specified in the SPDES permit limitations table.
 - ii. Key Locations and Potential Mercury Sources – The permittee must sample *key locations*, chosen to identify *potential mercury sources*, at least annually.
 - iii. Decreased Monitoring Requirements – The permittee has an EEQ at or below 12 ng/L and the permit includes the following:
 - 1) Reduced requirements, through a permittee-initiated permit modification
 - a) Conduct influent monitoring, sampling semi-annually, in lieu of monitoring within the collection system, such as at *key locations*; and
 - b) Conduct effluent compliance sampling semi-annually.
 - 2) If a facility with reduced requirements reports discharges above 12 ng/L for two of four consecutive effluent samples, the Department may undertake a Department-initiated modification to remove the allowance of reduced requirements.
 - 3) Under the decreased permit requirements, the facility must continue to conduct an annual status report, as applicable in accordance with 2.c of this MMP, to determine if any waste streams have changed.
 - iv. Additional monitoring must be completed as required elsewhere in this permit (e.g., locations tributary to compliance points).
- b. Control Strategy - The control strategy must contain the following minimum elements:
- i. Monitoring and Inventory/Inspections -
 - 1) Monitoring shall be performed as described in 2.a above. As mercury sources are found, the permittee must track down and minimize these sources.
 - 2) The permittee must inventory and/or inspect users of its system as necessary to support the MMP.
 - a) Potential mercury sources
 1. The permittee must maintain an inventory of *potential mercury sources*.
 2. The permittee must inspect *potential mercury sources* once every five years. Alternatively, the permittee may develop and implement an outreach program³ which informs users of their responsibilities as *potential mercury sources*. The permittee must conduct the outreach program at least once every five years. The outreach program should be supported by a subset of site inspections.
 3. A file shall be maintained containing documentation demonstrating compliance with 2.b.i.2)a) above. This file shall be available for review by the Department representatives and copies shall be provided upon request.

MERCURY MINIMIZATION PROGRAM (MMP) – Type III (Continued)

² Outfall monitoring must be conducted using the methods specified in Table 8 of *DOW 1.3.10*.

³ For example, the outreach program could include education about sources of mercury and what to do if a mercury source is found.

- ii. Equipment and Materials – Equipment and materials (e.g., thermometers, thermostats) used by the permittee, which may contain mercury, must be evaluated by the permittee. As equipment and materials containing mercury are updated/replaced, the permittee must use mercury-free alternatives, if possible.
 - iii. Bulk Chemical Evaluation – For chemicals, used at a rate which exceeds 1,000 gallons/year or 10,000 pounds/year, the permittee must obtain a manufacturer's certificate of analysis, a chemical analysis performed by a certified laboratory, and/or a notarized affidavit which describes the substances' mercury concentration and the detection limit achieved. If possible, the permittee must only use bulk chemicals utilized in the wastewater treatment process which contain <10 ppb mercury.
- c. **Status Report - An annual** status report must be developed and maintained on site, in accordance with the [Schedule of Additional Submittals](#), summarizing:
- i. All MMP monitoring results for the previous reporting period;
 - ii. A list of known and *potential mercury sources*
 - 1) If the permittee meets the criteria for MMP Type IV, the permittee must notify the Department for a permittee-initiated modification;
 - iii. All actions undertaken, pursuant to the control strategy, during the previous reporting period;
 - iv. Actions planned, pursuant to the control strategy, for the upcoming reporting period; and
 - v. Progress towards achieving a dissolved mercury concentration of 0.70 ng/L in the effluent (e.g., summarizing reductions in effluent concentrations as a result of the control strategy implementation and/or installation/modification of a treatment system).
- The permittee must maintain a file with all MMP documentation. The file must be available for review by Department representatives and copies must be provided upon request in accordance with 6 NYCRR 750-2.1(i) and 750-2.5(c)(4).
3. MMP Modification - The MMP must be modified whenever:
- a. Changes at the facility increase the potential for mercury discharges;
 - b. Effluent discharges exceed the current permit limitation(s); or
 - c. A letter from the Department identifies inadequacies in the MMP.

The Department may use information in the status reports, as applicable in accordance with 2.c of this MMP, to determine if the permit limitations and MMP Type is appropriate for the facility.

DEFINITIONS:

Key location – a location within the collection/wastewater system (e.g. including but not limited to a specific manhole/access point, tributary sewer/wastewater connection, or user discharge point) identified by the permittee as a potential mercury source. The permittee may adjust key locations based upon sampling and/or best professional judgement.

Potential mercury source – a source identified by the permittee that may reasonably be expected to have total mercury contained in the discharge. Some potential mercury sources include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, batteries, hauled wastes, universities, hospitals, laboratories, landfills, Brownfield sites, or raw material storage.

DISCHARGE NOTIFICATION REQUIREMENTS

- (a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any discharge.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

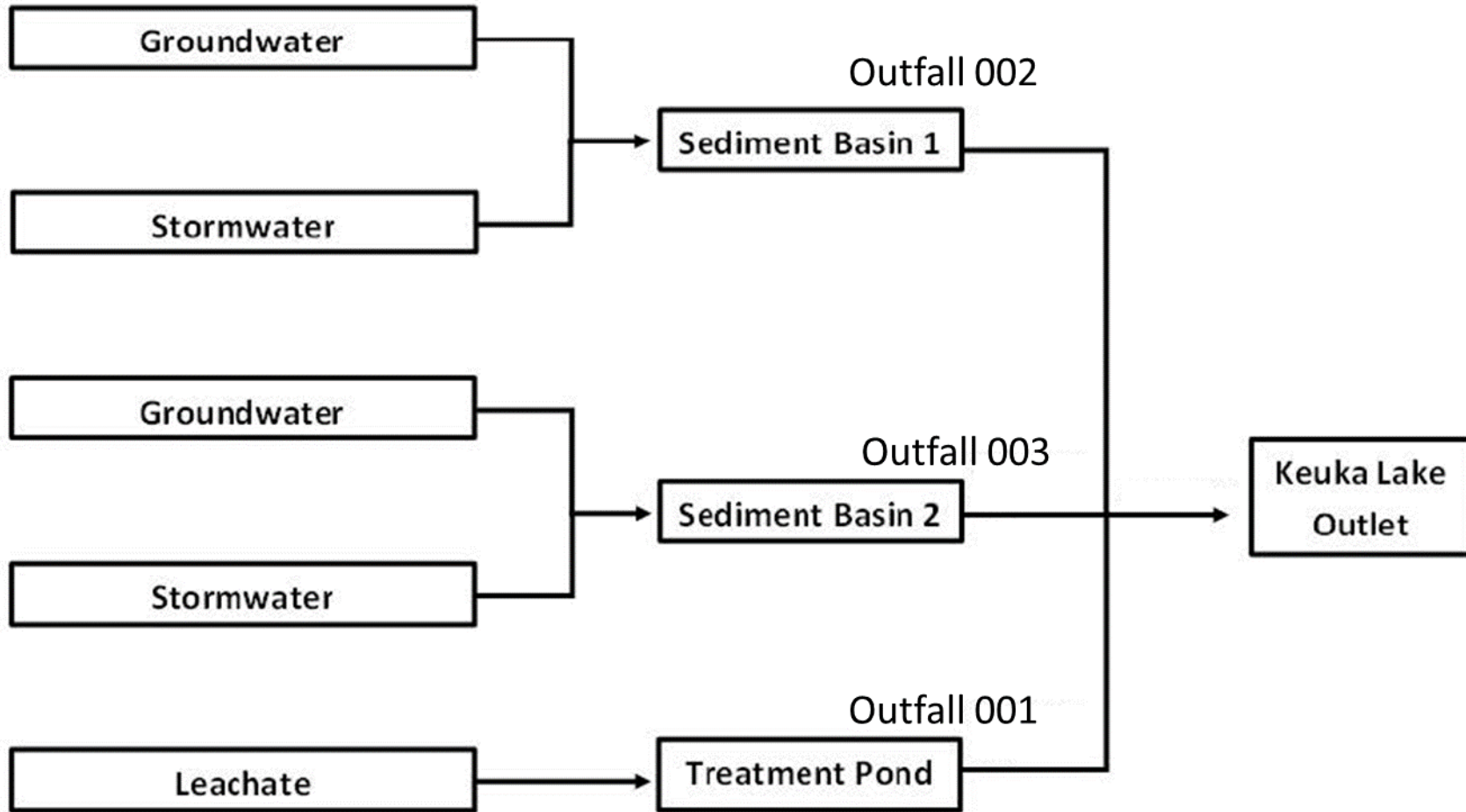
<p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY_____</p> <p>OUTFALL No.:_____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - #####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address:</p> <p>NYSDEC Division of Water Regional Phone: () - ### - #####</p>
--

- (e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.
- (f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.
- (g) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the DNA waiver criteria, notification must be made to the Department's Bureau of Water Permits. Provided there is no objection by the Department, a sign for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time and take appropriate measures to assure that the ECL and associated regulations are complied with.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

Lockwood Ash Disposal Site
Water Flow Diagram – 2020



* Discharges are batch discharges

GENERAL REQUIREMENTS

- A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:
- B. General Conditions
- | | |
|--|---|
| 1. Duty to comply | 6 NYCRR 750-2.1(e) & 2.4 |
| 2. Duty to reapply | 6 NYCRR 750-1.16(a) |
| 3. Need to halt or reduce activity not a defense | 6 NYCRR 750-2.1(g) |
| 4. Duty to mitigate | 6 NYCRR 750-2.7(f) |
| 5. Permit actions | 6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h) |
| 6. Property rights | 6 NYCRR 750-2.2(b) |
| 7. Duty to provide information | 6 NYCRR 750-2.1(i) |
| 8. Inspection and entry | 6 NYCRR 750-2.1(a) & 2.3 |
- C. Operation and Maintenance
- | | |
|-----------------------------------|--------------------------------------|
| 1. Proper Operation & Maintenance | 6 NYCRR 750-2.8 |
| 2. Bypass | 6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7 |
| 3. Upset | 6 NYCRR 750-1.2(a)(94) & 2.8(c) |
- D. Monitoring and Records
- | | |
|---------------------------|--|
| 1. Monitoring and records | 6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d) |
| 2. Signatory requirements | 6 NYCRR 750-1.8 & 2.5(b) |
- E. Reporting Requirements
- | | |
|---|-----------------------------------|
| 1. Reporting requirements for non-POTWs | 6 NYCRR 750-2.5, 2.6, 2.7, & 1.17 |
| 2. Anticipated noncompliance | 6 NYCRR 750-2.7(a) |
| 3. Transfers | 6 NYCRR 750-1.17 |
| 4. Monitoring reports | 6 NYCRR 750-2.5(e) |
| 5. Compliance schedules | 6 NYCRR 750-1.14(d) |
| 6. 24-hour reporting | 6 NYCRR 750-2.7(c) & (d) |
| 7. Other noncompliance | 6 NYCRR 750-2.7(e) |
| 8. Other information | 6 NYCRR 750-2.1(f) |
- F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.
- G. SPDES Permit Program Fee
The permittee shall pay to the Department an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the Department, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.
- H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior Department review and authorization. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The Department will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the Department. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.
1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized in writing by the Department.
 2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and, the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used.
 3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form* and *WTC Annual Report Form* are available from the Department's website at: <http://www.dec.ny.gov/permits/93245.html>

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.
- B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each 1 month reporting period in accordance with the DMR Manual available on Department's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by NYSDEC. Instructions on the use of NetDMR can be found at <https://www.dec.ny.gov/chemical/103774.html>. **Hardcopy paper DMRs will only be received at the address listed below for the Bureau of Water Permits, if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

The first monitoring period begins on the effective date of this permit, and, unless otherwise required, the reports are due no later than the 28th day of the month following the end of each monitoring period.

- C. The monitoring information required by this permit shall be summarized and reported to the RWE and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 8
6274 E. Avon-Lima Road, Avon, New York, 14414-9519 Phone: (585) 226-5450

- D. Schedule of Additional Submittals:

The permittee shall submit as a hardcopy the following information to the Regional Water Engineer and to the Bureau of Water Permits, unless otherwise instructed:

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
All	<u>BMP PLAN</u> The permittee shall submit and annually review the completed BMP plan. The BMP plan shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions must be submitted to the Regional Water Engineer within 30 days.	12/01/2022 Annually thereafter on January 28 th
001	<u>WHOLE EFFLUENT TOXICITY (WET) TESTING</u> WET testing shall be performed on a Chronic testing, but report both the acute and chronic results basis, quarterly for years ending in 3 and 8 . The toxicity test report including all information requested of this permit shall be attached to your WET DMRs and sent to the WET@dec.ny.gov email address.	Within 60 days following the end of each monitoring period
001	<u>MERCURY MINIMIZATION PLAN</u> The permittee must complete and maintain onsite an annual mercury minimization status report in accordance with the requirements of this permit.	Maintained Onsite 07/01/2023 annually thereafter

SCHEDULE OF ADDITIONAL SUBMITTALS		
Outfall(s)	Required Action	Due Date
002 & 003	<u>ADDITIONAL STORMWATER SAMPLING</u> See Special Condition 3 for sampling requirements. The permittee shall submit the laboratory report and a table summarizing the data to SPDESapp@dec.ny.gov and attached to the DMR.	06/30/2027
All	<u>WATER TREATMENT CHEMICAL (WTC) ANNUAL REPORT FORM</u> The permittee shall submit a completed WTC Annual Report Form each year that Water Treatment Chemicals are used. The form shall be attached to the December DMR.	

Unless noted otherwise, the above actions are one-time requirements. The permittee shall submit the results of the above actions to the satisfaction of the Department. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the above submittal(s), unless noted otherwise. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

- E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- H. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- I. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

Permittee: Lockwood Hills LLC
Facility: Lockwood Ash Disposal Site
SPDES Number: NY0107069
USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
Permit Writer: Catherine Winters
Water Quality Reviewer: Catherine Winters
Full Technical Review

SPDES Permit Fact Sheet

Lockwood Hills LLC

Lockwood Ash Disposal Site

NY0107069



Contents

Summary of Permit Changes	3
Administrative History	4
Facility Information	4
Site Overview	5
Enforcement History	7
Existing Effluent Quality	7
Interstate Water Pollution Control Agencies	8
Additional Site-Specific Concerns	8
Receiving Water Information	8
Impaired Waterbody Information	8
Mixing Zone and Critical Receiving Water Data	9
Permit Requirements	9
USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility	9
Whole Effluent Toxicity (WET) Testing	10
Anti-backsliding	12
Antidegradation	12
Discharge Notification Act Requirements	12
Best Management Practices (BMPs)	12
Stormwater Pollution Prevention Requirements	12
Mercury	12
Schedule(s) of Additional Submittals	13
Special Conditions	13
OUTFALL AND RECEIVING WATER SUMMARY TABLE	14
POLLUTANT SUMMARY TABLE	14
Outfall 001	14
POLLUTANT SUMMARY TABLE	19
Outfall 002 & 003	19
USEPA EFFLUENT LIMITATION GUIDELINE (ELG) CALCULATIONS	21
Appendix: Regulatory and Technical Basis of Permit Authorizations	22
Regulatory References	22
Outfall and Receiving Water Information	22
Interstate Water Pollution Control Agencies	23
Existing Effluent Quality	23
Permit Requirements	23

Summary of Permit Changes

A State Pollutant Discharge Elimination System (SPDES) permittee-initiated permit modification and full technical review has been drafted for the Lockwood Ash Disposal Site. The following is a summary of the changes. The details of these changes are specified below and in the permit:

Added

- Effluent limitations for stormwater discharges from the new Outfalls 002 & 003
- BMP requirements
- Monitoring for color for Outfall 001
- NAICS code
- 12 month rolling average limitation for mercury
- WIN Item No
- International Joint Commission (IJC) Compact Area

Updated

- Copper limitation to WQBEL for Outfall 001
- Sampling frequency for the leachate pond (Outfall 001) to once per discharge event and every 14 days within a single event
- WET testing action levels based on new dilution ratio and sampling during years ending in 3 and 8 (for Outfall 001)
- Outfall designations and coordinates
- Stormwater requirements
- Flow diagram
- Permittee name and contact person
- Permit limit table footnotes
- SIC code
- Permittee address and contact information
- Landfill address

Removed

- Dust suppressants requirement as dust suppressants are no longer used
- Groundwater monitoring program requirements as they are now covered under the Environmental Management Plan as part of the Part 360 Permit for the facility

After public notice, several minor non-substantive corrections have been made to the permit and factsheet.

This factsheet summarizes the information used to determine the effluent limitations and other conditions contained in the permit. General background information about the regulatory basis for the effluent limitations and other conditions contained in this permit are in the [Appendix](#) linked throughout this factsheet.

Administrative History

- 8/1/2009 The last full technical review was performed and the SPDES permit became effective with an expiration date of 11/30/2010. This permit, along with all subsequent modifications, if any as listed below, has formed the basis of this permit.
- The permit was administratively renewed in 2010. The current permit administrative renewal is effective until 11/30/2015.
- 2/18/2015 Consent Order R8-20140710-47 required modifications to the treatment system for managing the leachate and stormwater which would result in eventual modification to the SPDES permit.
- 11/30/2015 The current permit was extended pursuant to SAPA¹.
- 6/1/2020 The Lockwood Hills LLC submitted a request to modify the permit to reflect implementation of the Consent Order R8-20140710-47 and incorporate internal outfalls for the sediment basins. A resubmittal was received on 7/13/2020.
- 9/11/2020 DEC sent a notice of incomplete application (NOIA) to Lockwood Hills LLC requesting additional site information.
- 9/13/2021 The Lockwood Hills LLC submitted sufficient supporting data for the NY-2C permit application to satisfy the NOIA.

Please see the Notice of Complete Application, published in the Environmental Notice Bulletin and newspapers, for information on the public notice process.

Facility Information

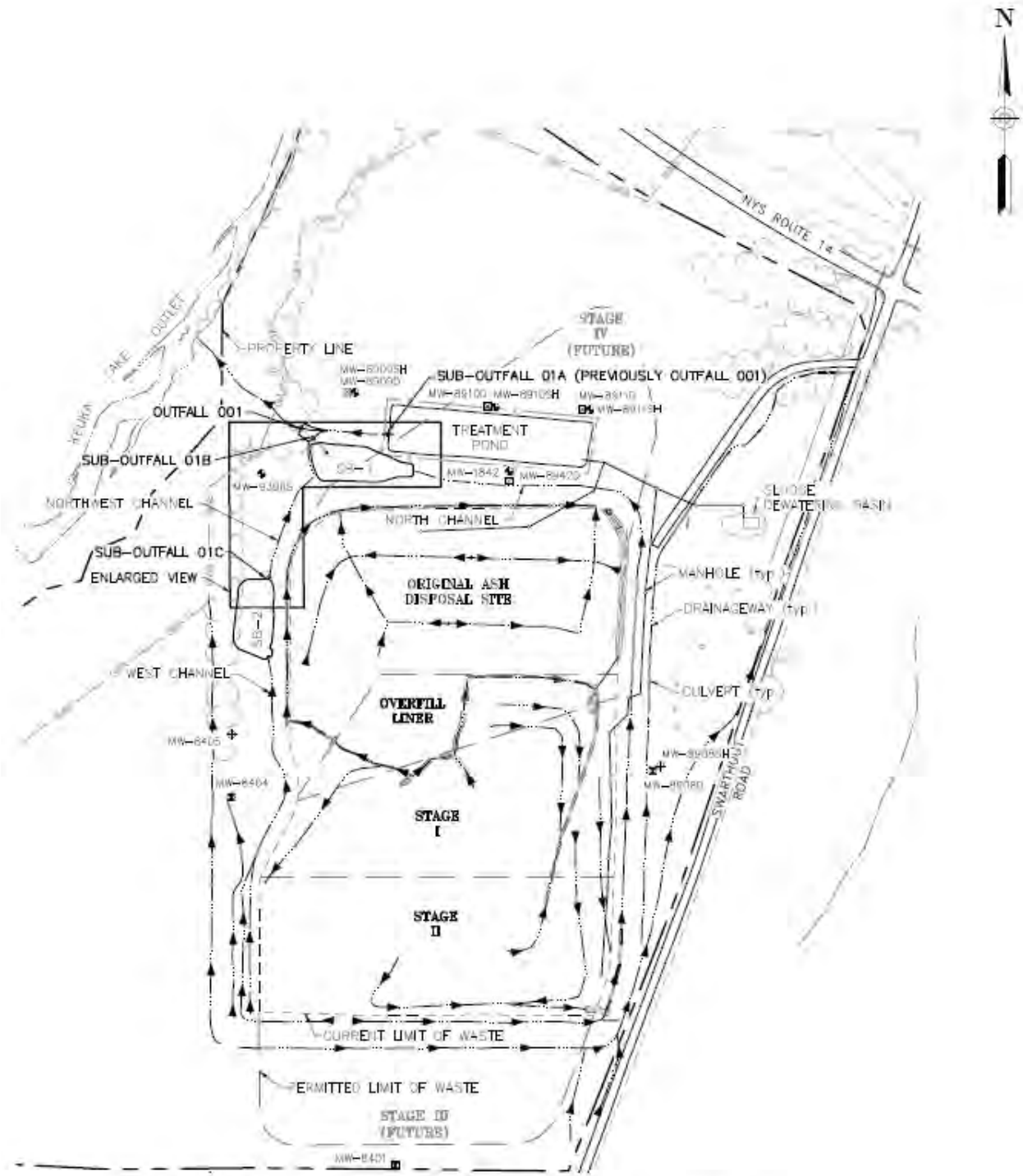
This is an industrial facility that accepts coal combustion byproducts and water treatment sludge for landfill disposal. Wastewater consists of landfill leachate and stormwater. The current treatment system was updated in 2019 to segregate stormwater from the leachate pond (Outfall 001) through the use of new sediment basins (Outfalls 002 & 003). "Both sediment basins [1 & 2] now receive contact stormwater, as well as non-contact stormwater. Contact stormwater is defined as precipitation runoff from areas of the landfill that are inactive or from other site operations. Non-contact stormwater is defined as runoff from undisturbed areas of the site or runoff from areas offsite. All runoff from active areas of the Landfill where precipitation may come in contact with the waste is collected by the leachate collection and removal system and routed to the Treatment Pond. Discharges from the Treatment Pond and both Sediment Basins now combine in a sediment trap before discharging offsite through the same well-defined, deeply-cut channel to the Keuka Lake Outlet. Leachate is treated in the Treatment Pond through the incorporation of the step aerator at its inlet and settling within the Pond itself." The aerator increases dissolved oxygen concentration of the leachate to promote the oxidation of ferrous iron to iron hydroxide precipitate.

¹ State Administrative Procedures Act Section 401(2) and 6 NYCRR 621.11(f)

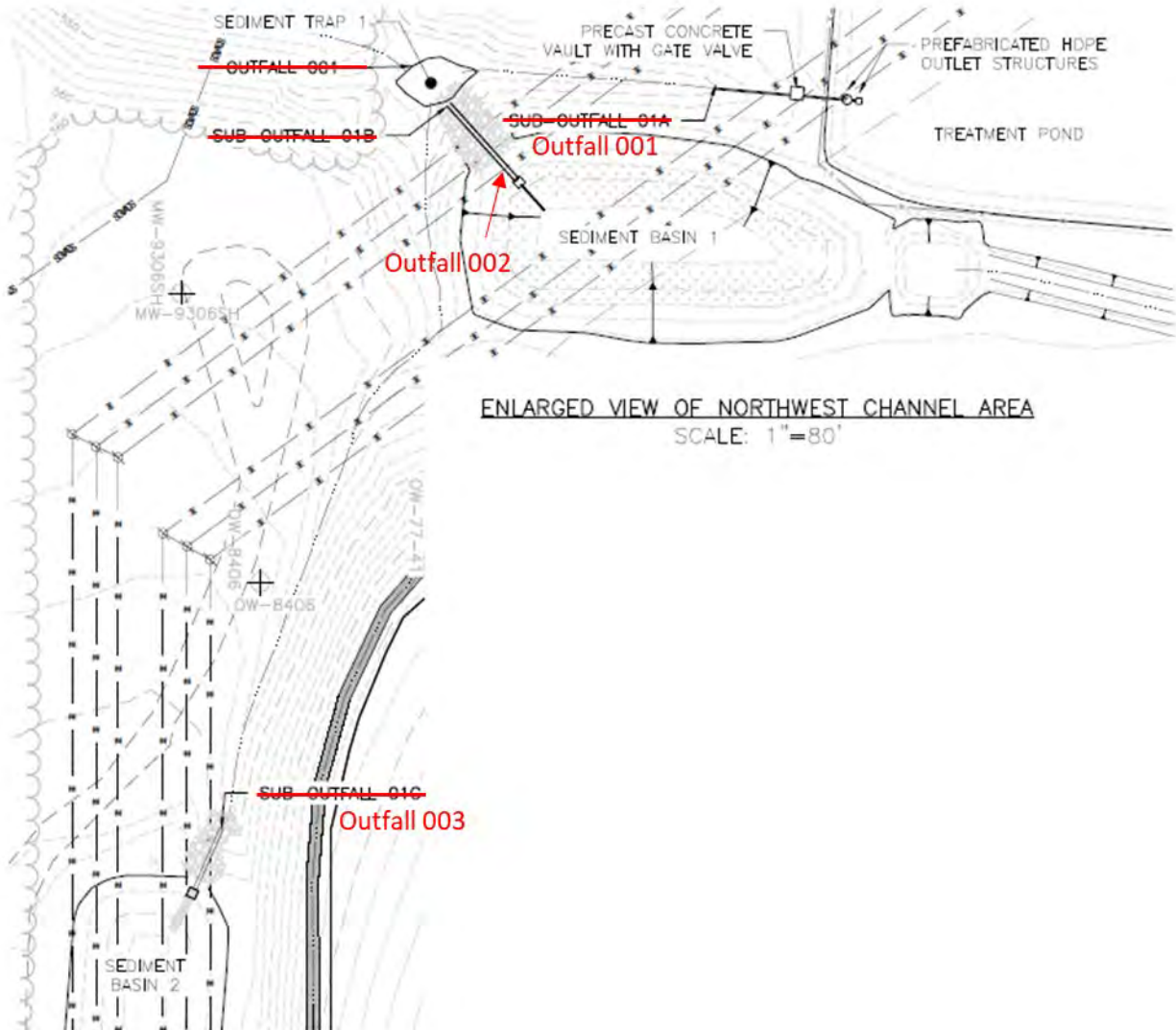
Site Overview



From 2020 application package (for the permit, the outfalls will be designated as 001, 002, 003 rather than 01A, 01B, 01C, respectively):



LOCKWOOD ASH DISPOSAL SITE OUTFALL LOCATION MAP
SCALE: 1"=400'



Enforcement History

The objective of Consent Order R8-20140710-47, signed February 18, 2015, was “for Lockwood Hills to eliminate the discharge of leachate to groundwater from the Leachate Pond and to provide for a satisfactory monitoring regime for groundwater impacted by the discharge.” Lockwood completed construction of the Sediment Pond Sediment Removal and Improvement work and submitted Certification Report and Record Drawings to DEC on December 27, 2019. DEC sent an approval letter for the Construction Certification Report on July 6, 2020.

Environmental regulatory compliance and enforcement information for this facility can be found on the Enforcement and Compliance History Online at <https://echo.epa.gov>.

Existing Effluent Quality

The [Pollutant Summary Table](#) presents the existing effluent quality and permit limitations for discharges from the facility. Concentration and mass data are presented, based on Discharge Monitoring Reports and the application submitted by the permittee for the period 11/1/2019 to 9/30/2021. [Appendix Link](#)

Interstate Water Pollution Control Agencies

Outfalls 001-003 are located within the Great Lakes watershed and International Joint Commission (IJC) compact area. [Appendix Link](#)

Additional Site-Specific Concerns

This facility is also covered under a Part 360 permit (DEC ID 8-5736-00005/00003-0).

The permittee submitted a thermal study report on May 30, 2012. The study assessed the impact of the Lockwood Ash Disposal Site discharge on the Keuka Lake Outlet by collecting wastewater discharge, temperature, conductivity, and stream flow measurements from 7/17/2011 to 7/29/2011. Wastewater from Lockwood Ash is discharged through a 650 foot canal to the Keuka Lake Outlet. Temperature and conductivity measurements were taken a quarter mile, 150 feet, and 20 feet upstream of the where the Lockwood discharge joins the Keuka Lake Outlet, at the point of mixing, and 50 feet and 300 feet downstream of where the Lockwood discharge joins the Keuka Lake Outlet. Daily temperature measurements were taken at the valve in the sedimentation basin (now the leachate pond). Stream flow data was obtained from the USGS stream gage (04232482) downstream of the discharge point.

During the study period, air temperature was recorded between 85 and 90 °F, stream flow was 18 cfs, and the discharge rate from Lockwood Ash was 127,000 gpd. While the addition of the Lockwood Ash discharge increased the conductivity of the receiving water at the point of discharge, the conductivity returned to upstream levels by the time the water reached the measurement point 50 feet downstream of the discharge addition. While the temperature measured at the valve of the sedimentation basin was as much as 10 °F warmer than the receiving water, the receiving water temperature changed by no more than 1 °F at the point of mixing or either downstream measurement location. Data indicates the facility's discharge was not contributing to an exceedance of the criteria specified in Part 704.2 for temperature differential in trout waterbodies and the natural temperature of the stream is in excess of 70°F; therefore, no temperature limitation is proposed. Temperature monitoring will be maintained.

Receiving Water Information

The facility proposes to discharge via the following outfalls:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001	4953	Treated landfill leachate	Keuka Lake Outlet
002	4953	Stormwater	Keuka Lake Outlet
003	4953	Stormwater	Keuka Lake Outlet

This facility is approximately 1.3 miles upstream of Seneca Lake (Ont. 66-12-P 369, Class B(T)). The facility is located within the IJC compact area, Great Lakes Watershed.

The location of the outfall(s), and the name, classification, and index numbers of the receiving waters are indicated in the [Outfall and Receiving Water Summary Table](#) at the end of this fact sheet. [Appendix Link](#)

Impaired Waterbody Information

The Keuka Lake Outlet segment (PWL No. 0705-0020) is not listed on the 2018 [New York State Section 303\(d\) List](#) of Impaired/TMDL Waters; therefore, there are no applicable wasteload allocations (WLAs) for this discharge.

Mixing Zone and Critical Receiving Water Data

The 7Q10 flow for the Keuka Lake Outlet of 5.9 MGD (9.1 CFS) was used to calculate the chronic A(C) dilution ratio. The 7Q10 flow was obtained from the drainage basin ratio and gage station data using SW Toolbox.

Gage Name: Keuka Lake Outlet at Dresden
Gage ID: 04232482
Drainage Area at Gage (mi²): 208
Drainage Area at Facility (mi²): 205
7Q10 Flow at Gage (CFS): 9.2
Calculated 7Q10 Flow at Facility (CFS): 9.1
Source: SW Toolbox

The 30Q10 flow of 7.6 MGD (12 CFS) was obtained from the same source and used to calculate the Human, Aesthetic, Wildlife (HEW) dilution ratio. A 1Q10 flow of 5.3 MGD (8.2 CFS) was obtained from the same source and used to calculate the acute A(A) dilution ratio.

$$\text{Dilution Ratio} = (\text{Facility Flow} + \text{Low Flow}) / \text{Facility Flow}$$

Outfall No.	Acute Dilution Ratio A(A)	Chronic Dilution Ratio A(C)	Human, Aesthetic, Wildlife Dilution Ratio (HEW)	Basis
001	22:1	24:1	32:1	TOGS 1.3.1

Critical receiving water data are listed in the [Pollutant Summary Table](#) at the end of this fact sheet. [Appendix Link](#)

Permit Requirements

The technology based effluent limitations ([TBELs](#)), water quality-based effluent limitations ([WQBELs](#)), [existing effluent quality](#) and a discussion of the selected effluent limitation for each pollutant present in the discharge are provided in the [Pollutant Summary Table](#).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT), and New Source Performance Standards (NSPS) limitations are based on [effluent guidelines](#) developed by USEPA for specific industries². The applicable effluent guidelines and limits are listed at the end of the Pollutant Summary Table in the USEPA ELG Calculation Table.

² As promulgated under 40 CFR Parts 405 - 471

Whole Effluent Toxicity (WET) Testing

An evaluation of the discharge indicates the potential for toxicity based on the following criteria:
[Appendix Link](#)

- There is the presence of substances in the effluent for which ambient water quality criteria do not exist. (#1)
- There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five. (#4)

Consistent with TOGS 1.3.2, a reasonable potential analysis was performed using the existing WET data for this facility (see data below). It was determined that while the analysis indicated no potential for toxicity in the effluent, WET testing is required based on the criteria listed above and WET action levels are being added to the permit. Given the dilution available and location within the Great Lakes basin, the permit requires chronic only WET testing. Samples will be collected quarterly during years ending in 3 and 8. WET testing action levels of 6.6 TU_a and 24 TU_c have been included in the permit for each species. The acute action levels for each species represent the acute dilution ratio times a factor of 0.3. The chronic action levels represent the chronic dilution ratio.

Test Date	¹ MSS 48H LC50 (%Effluent)	² MSS TUa	³ TUa Action Level	⁴ MSS Survival 100% Effluent	⁵ Acute Test Result	⁶ MSS RPD TUa	⁷ Acute WET Limit Required	⁸ MSS 7D NOEC/IC25 (%Effluent)	⁹ MSS NOEC/IC25 TUc	¹⁰ TUc Action Level	¹¹ Chronic Test Result NOEC/IC25	¹² MSS RPD IC25 TUc	¹³ Chronic WET Limit Required
03/16	>100% (FI)	<0.3 (FI)	10.7	100% (FI)	Pass	<0.9	No	>100% (FI)/>100% (FI)	<1.0 (FI)/<1.0 (FI)	70.0	Pass/Pass	<3.0	No
06/16	>100% (FI)	<0.3 (FI)	10.7	100% (FI)	Pass	<0.9	No	25% (I)/34.3% (I)	4.0 (I)/2.9 (I)	70.0	Pass/Pass	8.7	No
10/16	>100% (FI)	<0.3 (FI)	10.7	100% (FI)	Pass	<0.9	No	50% (F)/>100% (FI)	2.0 (F)/<1.0 (FI)	70.0	Pass/Pass	<3.0	No

¹Most Sensitive Species 48-hour Lethal Concentration: (F=Fish; I=Invertebrate) is the concentration or percentage of effluent that is lethal to 50% of the exposed organisms over a 48-hour period, and often indicates one species is more sensitive than the other during effluent testing.

²Most Sensitive Species Toxic Units Acute: is calculated as $(100 / \text{MSS 48H LC50})$. However, because ≤ 0.3 TUa is defined as the acceptable amount of acute toxicity at the edge of the acute mixing zone, and mathematically $100 / 100 = 1.0$ (i.e. a "failing result"), non-toxic acute test results are indicated as < 0.3 .

³Toxic Unit Acute Action Level: is calculated as $[(\text{Acute Dilution Factor}+1) \times 0.3 \text{ TUa}]$ representing the maximum allowable effluent TUa at the edge of the acute mixing zone after mixing with the receiving water and using the seven-day once-in-ten year low flow (7Q10), to assure acute protection of the receiving water.

⁴Most Sensitive Species Survival in 100% Effluent: is the lowest percentage of surviving organisms in 100% effluent, providing additional evidence of unacceptable acute toxicity when the necessary 50% or greater mortality required to generate an LC50 has not been attained. *Denotes statistically significant mortality in 100% effluent as compared to the control.

⁵Acute Test Result: MSS TUa \leq TUa Action Level for passing effluent test result and MSS TUa $>$ TUa Action Level for a failing effluent test result. If unacceptable mortality (i.e. statistically significant as compared to the control) is noted in 100% effluent, this may also be considered a failing test result.

⁶Most Sensitive Species Reasonable Potential Determination Toxic Units Acute: is calculated as $(\text{MSS TUa} \times 3.0)$, the Reasonable Potential Multiplier when three tests have been conducted, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity based action level.

⁷Acute Whole Effluent Toxicity Limit Required: MSS RPD TUa \leq TUa Action Level, then no toxicity based limit is required and the action level remains in place. If MSS RPD TUa $>$ TUa Action Level, then a toxicity based limit is required and the action level becomes the limit.

⁸Most Sensitive Species 7-day No Observed Effect Concentration or 25% Inhibition Concentration: is the highest concentration or percentage of effluent tested that causes no statistically significant effect to the exposed test organisms as compared to the control over a 7-day period, or the concentration or percentage of effluent that causes a 25% reduction in reproduction or growth for the test population.

⁹Most Sensitive Species Toxic Units Chronic: is calculated as $(100 / \text{MSS 7D NOEC})$ or $(100 / \text{MSS 7D IC25})$.

¹⁰Toxic Unit Chronic Action Level: is calculated as $[(\text{Chronic Dilution Factor}+1) \times 1.0 \text{ TUc}]$ representing the maximum allowable effluent TUc at the edge of the chronic mixing zone after mixing with the receiving water and using the seven-day once-in-ten year low flow (7Q10), to assure chronic protection of the receiving water.

¹¹Chronic Test Result: MSS NOEC/IC25 TUc \leq TUc Action Level for passing effluent test result and MSS NOEC/IC25 TUc $>$ TUc Action Level for a failing effluent test result.

¹²Most Sensitive Species Reasonable Potential Determination Toxic Units Chronic: is calculated as $(\text{MSS IC25 TUc} \times 3.0)$, the Reasonable Potential Multiplier when three tests have been conducted, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity based action level.

¹³Chronic Whole Effluent Toxicity Limit Required: MSS RPD IC25 TUc \leq TUc Action Level, then no toxicity based limit is required and the action level remains in place. If MSS RPD IC25 TUc $>$ TUc Action Level, then a toxicity based limit is required and the action level becomes the limit.

Anti-backsliding

The limitations contained in the permit are at least as stringent as the previous permit limits and there are no instances of backsliding. [Appendix Link](#)

Antidegradation

The permit contains effluent limitations which ensure that the designated best use of the receiving waters will be maintained. [Appendix Link](#)

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters. The permit also contains a requirement that the permittee make the sampling data available, upon request, to the public.

Best Management Practices (BMPs)

In accordance with 6 NYCRR 750-1.14(f) and 40 CFR 122.44(k), the permittee is required to develop and implement a BMP plan that prevents, or minimizes the potential for, the release of toxic or hazardous pollutants to state waters. The BMP plan requires annual review by the permittee.

Stormwater Pollution Prevention Requirements

The facility discharges stormwater associated with industrial activity that would require SPDES permit coverage under 40 CFR 122.26. BMPs consistent with requirements contained in the NYS MSGP (GP-0-17-004) Sector [L], have been included in the permit and pollutants associated with the industrial activity are to be controlled through implementation of source controls developed and implemented under this BMP plan. This requirement is updated from the previous permit.

Mercury³

The multiple discharge variance (MDV) for mercury provides the framework for NYSDEC to require mercury monitoring and mercury minimization programs (MMPs), through SPDES permitting. [Appendix Link](#)

The facility is a Class 01 discharger, which has historically accepted coal ash, within the Great Lakes watershed and the permit includes requirements for the implementation of MMP Type III.

The permit includes a daily max total mercury effluent limitation of 50 ng/L, sampled semi-annually. The facility has ≥ 10 effluent mercury data points and the existing effluent quality (EEQ) of 3.8 ng/L for Outfall 001 was calculated from the lognormal 95th percentile of 28 mercury effluent samples collected from February 2020 to February 2022. A mercury minimization program consisting of the following is also required:

- Additional monitoring
- Control strategy for implementation of the MMP
- Annual status report (maintained onsite)

The facility is located within the Great Lakes Basin; therefore, the permit also includes a 12-month rolling average total mercury effluent limitation equal to the EEQ. As the EEQ is ≤ 12 ng/L (i.e., the concentration attributed to natural atmospheric deposition) the sampling frequency in the

³ In accordance with DOW 1.3.10 Mercury – SPDES Permitting & Multiple Discharge Variance (MDV), December 30, 2020.

Permittee: Lockwood Hills LLC
Facility: Lockwood Ash Disposal Site
SPDES Number: NY0107069
USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
Permit Writer: Catherine Winters
Water Quality Reviewer: Catherine Winters
Full Technical Review

permit shall be semi-annually. The permit language reflects additional reductions in the MMP requirements.

On 04/27/2022, the permittee confirmed that the stormwater does not come into contact with mercury sources; therefore, the stormwater, Outfalls 002 & 003, is exempt form mercury requirements.

Schedule(s) of Additional Submittals

A schedule of submittals has been included:

- Pollutant scan for Outfalls 002 & 003
- Initial BMP plan
- WET testing report
- Mercury minimization plan
- WTC annual form, if applicable

Special Conditions

Included conditions pertaining to the need to maintain a Part 360 for disposal of solid waste material permit in conjunction with this SPDES permit.

Monitoring data for a discharge from Outfall 002 & 003 (retention ponds), during a qualifying storm event, was not able to be collected as part of this permit review. Samples were collected on 8/18/2021 within the impoundment, but discharge through the outfall pipes did not occur; therefore, confirmatory sampling of parameters will be required during next discharge through Outfalls 002 & 003.

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001A	42° 40' 33.59" N	76° 57' 42.54" W	Keuka Lake Outlet	C(T)	Ont. 66-12-P 369-115 PWL: 0705-0020	07/05	155 ⁴	5.3	5.9	7.6	0.25	22:1	24:1	32:1
002	42° 40' 33.49" N	76° 57' 45.12" W	Keuka Lake Outlet	C(T)	Ont. 66-12-P 369-115 PWL: 0705-0020	07/05	155 ⁶	5.3	5.9	7.6	-	-	-	-
003	42° 40' 29.66" N	76° 57' 46.73" W	Keuka Lake Outlet	C(T)	Ont. 66-12-P 369-115 PWL: 0705-0020	07/05	155 ⁵	5.3	5.9	7.6	-	-	-	-

POLLUTANT SUMMARY TABLE

Outfall 001

Outfall #	Description of Wastewater: Treated landfill leachate Type of Treatment: Aeration and settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 11/1/2019 to 9/30/2021 was obtained from Discharge Monitoring Reports and the application provided by the permittee. This data is representative of the current discharge since leachate separation was completed in October 2019.															
Flow Rate	GPD	Daily Max	250,000	140,000 Actual Average	50/0	250,000	Design Flow	Narrative: No alterations that will impair the waters for their best usages.				6 NYCRR 703.2	-	TBEL	
	The flow limit is set at the design flow of the wastewater treatment facility.														
pH	SU	Minimum	6.0	7.1 Actual Min	50/0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	6.5 - 8.5	TOGS 1.3.1	-	TBEL
		Maximum	9.0	8.6 Actual Max	50/0	9.0									
Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution an effluent limitation equal to the TBEL is reasonably protective of the WQS.															
Temperature	°F	Daily Max	Monitor	89.6 Actual Max	35/0	-	-	Narrative (Trout): No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout				6 NYCRR 704.2	-	Monitor	
	Data from the May 30, 2012, thermal criteria study report indicates that the addition of the Lockwood Ash discharge to the Keuka Lake Outlet has no effect on the temperature of the Keuka Lake Outlet; therefore, no temperature limitation is proposed. Temperature monitoring will be maintained.														

⁴ Ambient hardness consistent with previous factsheet.

⁵ Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤ 3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with > 3 nondetects)

Permittee: Lockwood Hills LLC
 Facility: Lockwood Ash Disposal Site
 SPDES Number: NY0107069
 USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
 Permit Writer: Catherine Winters
 Water Quality Reviewer: Catherine Winters
 Full Technical Review

Outfall #	Description of Wastewater: Treated landfill leachate														
	Type of Treatment: Aeration and settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Total Suspended Solids (TSS)	mg/L	Daily Max	50	19.6	26/24	50	USEPA ELG BPT	-	Narrative: None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				6 NYCRR 703.2	-	TBEL
	Consistent with 40 CFR Part 423, the TBEL is reflective of USEPA ELG BPT; therefore, the TBEL is specified. Consistent with §423.12(b)(10), untreated runoff associated with a 10 year, 24 hour rainfall event shall not be subject to the TSS limitation.														
Oil & Grease	mg/L	Daily Max	-	-	-	20	USEPA ELG BPT	-	Narrative: No residue attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules of grease.				6 NYCRR 703.2	-	TBEL
	Consistent with 40 CFR Part 423, the TBEL is reflective of USEPA ELG BPT; therefore, the TBEL is specified.														
Aluminum, Total	mg/L	Daily Max	2.4	0.27	21/29	2.4	Antibacksliding	-	-	-	-	-	-	-	TBEL
	In accordance with TOGS 1.3.1 E, the WQS for aluminum is not applicable when the pH is great than 6.5. Consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total aluminum will be maintained.														
Arsenic, Total	mg/L	Daily Max	0.1	0.049	16/34	0.10	Antibacksliding	-	-	150	A(C)	3.7	6 NYCRR 703.5	-	TBEL
	The projected instream concentration was calculated using the 99 th percentile of the delta lognormal distribution of the effluent concentration of 0.049 mg/L, an ambient upstream concentration of 0 mg/L, and an effluent hardness of 155 mg/L. A multiplier ⁷ of 2.0 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A metals translator of 1.000 was applied to convert between the total and dissolved form in accordance with EPA Document 823-B-96-007. A comparison of the projected instream concentration to the WQS indicates there is no reasonable potential; therefore, consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total arsenic will be maintained.														
Cadmium, Total	mg/L	Daily Max	0.11	0.012	5/45	0.11	Antibacksliding	-	-	0.003	A(C)	0.081	6 NYCRR 703.5	-	TBEL
	The projected instream concentration was calculated using the 99 th percentile of the delta lognormal distribution of the effluent concentration of 0.012 mg/L, an ambient upstream concentration of 0 mg/L, and an effluent hardness of 155 mg/L. A multiplier ⁷ of 2.0 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A metals translator of 1.123 was applied to convert between the total and dissolved form in accordance with EPA Document 823-B-96-007. A comparison of the projected instream concentration to the WQS indicates there is no reasonable potential; therefore, consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total cadmium will be maintained.														
Copper, Total	mg/L	Daily Max	1.0	0.033	14/36	1.0	Antibacksliding	-	-	0.013	A(C)	0.33	6 NYCRR 703.5	-	WQBEL
	The projected instream concentration was calculated using the existing permit limit of 1.0 mg/L, an ambient upstream concentration of 0 mg/L, and an effluent hardness of 155 mg/L. A multiplier ⁷ of 1.9 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A metals translator of 1.042 was applied to convert between the total and dissolved form in accordance with EPA Document 823-B-96-007. A comparison of the projected instream concentration to the WQS indicates there is reasonable potential; therefore, a WQBEL is specified.														

Permittee: Lockwood Hills LLC
 Facility: Lockwood Ash Disposal Site
 SPDES Number: NY0107069
 USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
 Permit Writer: Catherine Winters
 Water Quality Reviewer: Catherine Winters
 Full Technical Review

Outfall #	Description of Wastewater: Treated landfill leachate Type of Treatment: Aeration and settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Boron, Total	mg/L	Daily Max	monitor	27	36/0	-	-	-	3.1	10	A(C)	No reasonable potential	6 NYCRR 703.5	-	Monitor
The Division of Materials Management informed the Division of Water that Boron is a constituent in leachate specific to this facility. Elevated detections of boron in groundwater near the previous combined leachate/stormwater pond were the driver for the consent order that required separation of stormwater from leachate and remediation of the old pond, which included the removal of sediments and constructing the new lined leachate pond. Due to historic contamination, total boron monitoring will be maintained.															
Iron, Total	mg/L	Daily Max	4.0	1.0	47/3	4.0	Antibacksliding	-	-	-	-	-	-	-	TBEL
There is no Class C WQS for total iron. Consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total iron will be maintained.															
Manganese, Total	mg/L	Daily Max	3.0	0.87	47/3	3.0	Antibacksliding	-	-	-	-	-	-	-	TBEL
There is no Class C WQS for total manganese. Consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total manganese will be maintained.															
Mercury	ng/L	Daily Max	50	2.3	7/0	50	TOGS 1.3.10	-	-	0.7	H(FC)	0.7	-	-	MDV
The facility is Class 01 discharger within the Great Lakes watershed. In accordance with TOGS 1.3.10, the 50 ng/L daily maximum limitation will be maintained.															
Selenium, Total	mg/L	Daily Max	0.07	0.051	32/18	0.07	Antibacksliding	-	0.0026	0.0046	A(C)	0.11	6 NYCRR 703.5	-	TBEL
The projected instream concentration was calculated using the 99 th percentile of the delta lognormal distribution of the effluent concentration of 0.051 mg/L, an ambient upstream concentration of 0 mg/L, and an effluent hardness of 155 mg/L. A multiplier ⁷ of 2.0 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A comparison of the projected instream concentration to the WQS indicates there is no reasonable potential; therefore, consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total selenium will be maintained.															
Zinc, Total	mg/L	Daily Max	2.0	0.048	12/38	2.0	Antibacksliding	-	0.0053	0.12	A(C)	3.0	6 NYCRR 703.5	-	TBEL
The projected instream concentration was calculated using the 99 th percentile of the delta lognormal distribution of the effluent concentration of 0.048 mg/L, an ambient upstream concentration of 0 mg/L, and an effluent hardness of 155 mg/L. A multiplier ⁷ of 1.9 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A metals translator of 1.014 was applied to convert between the total and dissolved form in accordance with EPA Document 823-B-96-007. A comparison of the projected instream concentration to the WQS indicates there is no reasonable potential; therefore, consistent with 6 NYCRR Part 750-1.10(c), which states "when effluent limitations are established they must be at least as stringent as the effluent limitations previously required unless the department determines that an exception is warranted," the existing permit limitations for total zinc will be maintained.															
Additional Pollutants Detected															
Total Dissolved Solids	mg/L	Daily Max	-	3300*	*	-	-	-	190	500	A(C)	No reasonable potential	6 NYCRR Part 703.3	-	No Limitation
*Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. The projected instream concentration was calculated using the maximum effluent concentration of 3300 mg/L and an ambient upstream concentration of 0 mg/L. A multiplier ⁷ of 1.4 and a CV of 0.60 were applied to the projected effluent to account for the number of samples. A comparison of the projected instream concentration to the WQS indicates no reasonable potential; therefore, no limitation is specified.															

Permittee: Lockwood Hills LLC
 Facility: Lockwood Ash Disposal Site
 SPDES Number: NY0107069
 USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
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 Water Quality Reviewer: Catherine Winters
 Full Technical Review

Outfall #	Description of Wastewater: Treated landfill leachate														
Type of Treatment: Aeration and settling															
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Nitrogen, Ammonia (as N) June 1 st – Oct. 31 st	mg/L	Monthly Avg	-	0.2*	*	-	-	-	0.088	0.86	A(C)	No reasonable potential	6 NYCRR Part 703.5	-	No Limitation
	*Data reported on application for 20 analyses. The 95 th percentile of lognormal data, the number of detects vs non-detects, and the seasonal maximum are is unknown. The WQS for Ammonia was determined from TOGS 1.1.1 from a summer pH of 7.5 and a temperature of 25 °C. The pH and temperature of the receiving waterbody were assumed values and consistent with TOGS 1.3.1E. The projected instream concentration was calculated using the maximum effluent concentration of 0.2 mg/L and an ambient upstream concentration of 0 mg/L. A multiplier ⁶ of 1.4 was applied to the maximum effluent concentration to account for the number of samples. In accordance with TOGS 1.3.1E, the HEW dilution ratio was applied to calculate the projected instream concentration. A comparison of the projected instream concentration to the WQS indicates no reasonable potential to cause or contribute to a WQS violation; therefore, no limitation is specified.														
Nitrogen, Ammonia (as N) Nov. 1 st – May 31 st	mg/L	Monthly Avg	-	0.2*	*	-	-	-	0.088	1.9	A(C)	No reasonable potential	6 NYCRR Part 703.5	-	No Limitation
	*Data reported on application for 20 analyses. The 95 th percentile of lognormal data, the number of detects vs non-detects, and the seasonal maximum are is unknown. The WQS for Ammonia was determined from TOGS 1.1.1 from a summer pH of 7.5 and a temperature of 10 °C. The pH and temperature of the receiving waterbody were assumed values and consistent with TOGS 1.3.1E. The projected instream concentration was calculated using the maximum effluent concentration of 0.2 mg/L and an ambient upstream concentration of 0 mg/L. A multiplier ⁷ of 1.4 was applied to the maximum effluent concentration to account for the number of samples. In accordance with TOGS 1.3.1E, the HEW dilution ratio was applied to calculate the projected instream concentration. A comparison of the projected instream concentration to the WQS indicates no reasonable potential to cause or contribute to a WQS violation; therefore, no limitation is specified.														
Alkalinity, Total	mg/L	Daily Max	-	300*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for total alkalinity; therefore, no limitation is specified.														
Barium, Total	µg/L	Daily Max	-	225*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for total barium; therefore, no limitation is specified.														
Chloride	mg/L	Daily Max	-	301*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for chloride; therefore, no limitation is specified.														

⁶ As recommended from EPA's Technical Support Document, Chapter 3.3

⁷ As recommended from EPA's Technical Support Document, Chapter 3.3

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Outfall #	Description of Wastewater: Treated landfill leachate														
	Type of Treatment: Aeration and settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁵	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
Chromium, Total	µg/L	Daily Max	-	9.3*	*	-	-	-	0.0068	0.050	H(WS)	No reasonable potential	6 NYCRR Part 703.5	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. A comparison of the projected instream concentration to the WQS indicates no reasonable potential to cause or contribute to a WQS violation; therefore, no limitation is specified.														
Magnesium, Total	mg/L	Daily Max	-	128*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for total magnesium; therefore, no limitation is specified.														
Potassium, Total	mg/L	Daily Max	-	89.6*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for total potassium; therefore, no limitation is specified.														
Sodium, Total	mg/L	Daily Max	-	329*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for total sodium; therefore, no limitation is specified.														
Sulfate	mg/L	Daily Max	-	1740*	*	-	-	-	-	-	-	-	-	-	No Limitation
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. There is no Class C WQS for sulfate; therefore, no limitation is specified.														
Color, apparent	CU	Daily Max	-	15*	*	-	-	-	Narrative: None in amounts that will adversely affect the taste, color or odor thereof, or impair the waters for their best usages.			6 NYCRR Part 703.2	-	Monitoring	
	* Data reported on application for 20 analyses. The 95 th percentile of lognormal data nor the number of detects vs non-detects is unknown. Since there is a narrative standard for color, monitoring will be added to the permit.														

POLLUTANT SUMMARY TABLE

Outfall 002 & 003

Outfall #	002 & 003		Description of Wastewater: Treated landfill leachate												
	Type of Treatment: Aeration and settling														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis for WQBEL		
General Notes: Existing discharge data from 11/1/2019 to 9/30/2021 was obtained from Discharge Monitoring Reports for pH. Additional stormwater data provided by the permittee on 9/9/2021 was used to assess the additional pollutants detected.															
Flow Rate	GPD	Daily Max	-	-	-	-	-	Narrative: No alterations that will impair the waters for their best usages.					6 NYCRR 703.2	-	No Limitation
	Flow will continue to be monitored for informational purposes and to calculate pollutant loadings.														
pH	SU	Minimum	6.0	7.6 Actual Min	12/0	6.0	TOGS 1.2.1	-	-	6.5 – 8.5	Range	6.5 - 8.5	TOGS 1.3.1	-	TBEL
		Maximum	9.0	7.8 Actual Max	12/0	9.0		Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution an effluent limitation equal to the TBEL is reasonably protective of the WQS.							
Temperature	°F	-	-	-	-	-	-	Narrative (Trout): No discharge at a temperature over 70F (21C) shall be permitted at any time to streams classified for trout					6 NYCRR 704.2	-	Monitor
	Data from the May 30, 2012, thermal criteria study report indicates that the addition of the Lockwood Ash discharge to the Keuka Lake Outlet has no effect on the temperature of the Keuka Lake Outlet; therefore, no temperature limitation is proposed. Temperature monitoring will be maintained.														
Additional Pollutants Detected															
Boron, Total	mg/L	Daily Max	-	0.667	2/0	-	-	-	-	-	-	-	-	-	Monitor
	Elevated detections of boron in groundwater near the previous combined leachate/stormwater pond were the driver for the consent order that required separation of stormwater from leachate and remediation of the old pond, which included the removal of sediments and constructing the new lined leachate pond. Due to historic contamination, total boron monitoring will be maintained.														
Iron, Total	mg/L	Daily Max	-	0.215	2/0	-	-	-	-	-	-	-	-	-	No Limitation
	There is no Class C WQS for total iron; therefore, no limitation is specified.														

⁸ Existing Effluent Quality: Daily Max = 99% lognormal; Monthly Avg = 95% lognormal (for datasets with ≤ 3 nondetects); Daily Max = 99% delta-lognormal; Monthly Avg = 95% delta-lognormal (for datasets with > 3 nondetects)

Permittee: Lockwood Hills LLC
 Facility: Lockwood Ash Disposal Site
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 USEPA Non-Major/Class 01 Industrial

Date: May 9, 2022 v.1.2
 Permit Writer: Catherine Winters
 Water Quality Reviewer: Catherine Winters
 Full Technical Review

Outfall #	002 & 003	Description of Wastewater: Treated landfill leachate													
		Type of Treatment: Aeration and settling													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & QBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality ⁸	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. QBEL	Basis for QBEL		
Manganese, Total	mg/L	Daily Max	-	0.164	2/0	-	-	-	-	-	-	-	-	-	No Limitation
There is no Class C WQS for total manganese; therefore, no limitation is specified.															
Zinc, Total	mg/L	Daily Max	-	0.12	1/1	-	-	-	-	-	-	-	-	-	Monitor
Basin 1 sample was non-detect and only a single data point is available for Basin 2. Monitoring is required to inform future reasonable potential analysis.															

USEPA EFFLUENT LIMITATION GUIDELINE (ELG) CALCULATIONS

[Appendix Link](#)

For the applicable categorical limitations under 40 CFR Part 423, the following basis was used to determine the TBEL:

Outfall	001
40 CFR Part/Subpart	§423.12(b)(9); §423.12(b)(10); §423.12(b)(11)
Subpart Name	Steam electric power generating point source category, as applicable to coal pile runoff and combustion residual leachate

ELG Pollutant	Daily Max TBEL (mg/L)	Monthly Avg. TBEL (mg/L)
40 CFR § 423.12 - Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT)		
Total suspended solids	50	-
Total suspended solids	100.0	30.0
Oil & Grease	20.0	15.0
<p>The above ELGs were determined to be applicable to Lockwood Ash Disposal Site since the landfill wastes include coal pile runoff and combustion residual leachate.</p> <p>The Lockwood Ash facility was determined to be exempt from ELG requirements for landfill point source category due to applicability of 40 CFR Part 445.1(f) and exempt from ELG requirements for centralized waste treatment point source category due to the applicability of 40 CFR Part 437.1(c)(4).</p>		

Appendix: Regulatory and Technical Basis of Permit Authorizations

The information presented in the Appendix is meant to supplement the factsheet for multiple types of permits and may not be applicable to this specific permit.

Regulatory References

The requirements included in SPDES permits are based on both federal and state laws, regulations, policies, and guidance.

- Clean Water Act (CWA) 33 section USC 1251 to 1387
- Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations
 - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
 - 6 NYCRR Part 621
 - 6 NYCRR Part 750
 - 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
 - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, often referred to as Technical and Operational Guidance Series memos (TOGS)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E

The following is a quick guide to the references used within the factsheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Best Management Practices (BMPs) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25,2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (TOGS 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRKT)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

The provisions of the permit are based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750 and include monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits.

Outfall and Receiving Water Information

Impaired Waters

The NYS 303(d) List of Impaired/TMDL Waters (<http://www.dec.ny.gov/chemical/31290.html>) identifies waters where specific designated uses are not fully supported and for which the state must consider the development of a TMDL or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a

Permittee: Lockwood Hills LLC
Facility: Lockwood Ash Disposal Site
SPDES Number: NY0107069
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WLA of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed for the development of the TMDL, and to allow the Department to accurately determine the existing capabilities of the wastewater treatment plant to assure that wasteload allocations (WLAs) are allocated equitably.

Interstate Water Pollution Control Agencies

Some POTWs may be subject to regulations of interstate basin/compact agencies including: Interstate Sanitation Commission (ISC), International Joint Commission (IJC), Delaware River Basin Commission (DRBC), Ohio River Valley Water Sanitation Commission (ORSANCO), and the Susquehanna River Basin Commission (SRBC). Generally, basin commission requirements focus principally on water quality and not treatment technology. However, interstate/compact agency regulations for the ISC, IJC, DRBC and NYC Watershed contain explicit effluent limits which must be addressed during permit drafting. 6 NYCRR 750-2.1(d) requires SPDES permits for discharges that originate within the jurisdiction of an interstate water pollution control agency, to include any applicable effluent standards or water quality standards (WQS) promulgated by that interstate agency.

Existing Effluent Quality

During development of the permit, a statistical evaluation of existing effluent quality is performed to calculate the 95th (monthly average) and 99th (daily maximum) percentiles of the existing effluent quality. That evaluation is completed in accordance with TOGS 1.2.1 and the USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E. When there are three or fewer non-detects, a lognormal distribution of the data is assumed, and lognormal calculations are used to determine the monthly average and daily maximum concentrations of the existing effluent. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program. The [Pollutant Summary Table](#) identifies the number of sample data points available.

Permit Requirements

Basis for Effluent Limitations

Sections 101, 301, 304, 308, 401, 402, and 405 of the CWA and Titles 5, 7, and 8 of Article 17 ECL, as well as their implementing federal and state regulations, and related guidance, provide the basis for the effluent limitations and other conditions in the permit.

When conducting a full technical review of an existing permit, the previous permit limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing permit limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, and/or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

Anti-backsliding

Anti-backsliding requirements are specified in the CWA sections 402(o) and 303(d)(4), ECL 17-0809, and regulations at 40 CFR 122.44(l) and 6 NYCRR 750-1.10(c) and (d). Generally, the relaxation of effluent limitations in permits is prohibited unless one of the specified exceptions applies, which will be cited on a case-by-case

basis in this factsheet. Consistent with current case law⁹ and USEPA interpretation¹⁰ anti-backsliding requirements do not apply should a revision to the final effluent limitation take effect before the scheduled date of compliance for that final effluent limitation.

Antidegradation Policy

New York State implements the antidegradation portion of the CWA based upon two documents: (1) Organization and Delegation Memorandum #85-40, "Water Quality Antidegradation Policy" (September 9, 1985); and, (2) TOGS 1.3.9, "Implementation of the NYSDEC Antidegradation Policy – Great Lakes Basin (Supplement to Antidegradation Policy dated September 9, 1985) (undated)." The permit for the facility contains effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, SPDES applications have been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs)

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies and/or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and/or Best Professional Judgment (BPJ).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the [USEPA Effluent Limitation Guideline Calculations Table](#).

Best Professional Judgement (BPJ)

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the Department is authorized to issue a permit containing "any further limitations necessary to insure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11.

The BPJ limitation considers: the existing technology present at the facility; the statistically calculated existing effluent quality for that parameter; and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment

⁹ American Iron and Steel Institute v. Environmental Protection Agency, 115 F.3d 979, 993 n.6 (D.C. Cir. 1997)

¹⁰ U.S. EPA, Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; 65 Fed. Reg. 31682, 31704 (May 18, 2000); Proposed Water Quality Guidance for the Great Lakes System, 58 Fed. Reg. 20802, 20837 & 20981 (April 16, 1993)

technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 700-704 and 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. The limitations must be stringent enough to ensure that water quality standards are met and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6.

Mixing Zone Analyses

Mixing zone analyses are conducted in accordance with the following:

“EPA Technical Support Document for Water Quality-Based Toxics Control” (March 1991); EPA Region VIII’s “Mixing Zones and Dilution Policy” (December 1994); NYSDEC TOGS 1.3.1, “Total Maximum Daily Loads and Water Quality-Based Effluent Limitations” (July 1996); “CORMIX v11.0” (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, water quality-based effluent limitations are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

The Reasonable Potential Analysis (RPA) is a statistical estimation process, outlined in the 1991 USEPA Technical Support Document for Water Quality-based Toxics Control (TSD), Appendix E. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility. This projected instream concentration (PIC) is calculated using the appropriate ratio and compared to the water quality standard (WQS). When the RPA process determines the WQS may be exceeded, a WQBEL is required. The procedure for developing WQBELs includes the following steps:

- 1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the Department;

- 2) identify water quality criteria applicable to these pollutants;
- 3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,
- 4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The Department uses modeling tools to estimate the expected concentrations of the pollutant in the receiving water and develop WQBELs. These tools were developed in part using the methodology referenced above. If the estimated concentration of the pollutant in the receiving water is expected to exceed the ambient water quality standard or guidance value, then there is a reasonable potential that the discharge may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. If a TMDL is in place, the facility's WLA for that pollutant is applied as the WQBEL.

For carbonaceous and nitrogenous oxygen demanding pollutants, the Department uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

Whole Effluent Toxicity (WET) Testing:

WET tests use small vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. There are two different durations of toxicity tests: acute and chronic. Acute toxicity tests measure survival over a 96-hour test exposure period. Chronic toxicity tests measure reductions in survival, growth, and reproduction over a 7-day exposure. TOGS 1.3.1 includes guidance for determining when aquatic toxicity testing should be included in SPDES permits. The authority to require toxicity testing is in Part 702.16(b) of Chapter X, Title 6 of the New York State Codes, Rules, and Regulations. TOGS 1.3.2 describes the procedures which should be followed when determining whether to include toxicity testing in a SPDES permit and how to implement a toxicity testing program. Per TOGS 1.3.2, WET testing may be required when any one of the following seven criteria are applicable:

1. There is the presence of substances in the effluent for which ambient water quality criteria do not exist.
2. There are uncertainties in the development of TMDLs, WLAs, and WQBELs, caused by inadequate ambient and/or discharge data, high natural background concentrations of pollutants, available treatment technology, and other such factors.
3. There is the presence of substances for which WQBELs are below analytical detectability.
4. There is the possibility of complex synergistic or additive effects of chemicals, typically when the number of metals or organic compounds discharged by the permittee equals or exceeds five.
5. There are observed detrimental effects on the receiving water biota.
6. Previous WET testing indicated a problem.
7. POTWs which exceed a discharge of 1 MGD. Facilities of less than 1 MGD may be required to test, e.g., POTWs <1 MGD which are managing industrial pretreatment programs.

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when the method's minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is

possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

Monitoring Requirements

CWA section 308, 40 CFR 122.44(i), and 6 NYCRR 750-1.13 require that monitoring be included in permits to determine compliance with effluent limitations. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required. The permittee is responsible for conducting the monitoring and reporting results on Discharge Monitoring Reports (DMRs). The permit contains the monitoring requirements for the facility. Monitoring frequency is based on the minimum sampling necessary to adequately monitor the facility's performance and characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels (6 NYCRR 750-1.13). For industrial facilities, sampling frequency is based on guidance provided in TOGS 1.2.1. For municipal facilities, sampling frequency is based on guidance provided in TOGS 1.3.3.

Other Conditions

Mercury

The multiple discharge variance (MDV) for mercury was developed in accordance with 6 NYCRR 702.17(h) "to address widespread standard or guidance value attainment issues including the presence of a ubiquitous pollutant or naturally high levels of a pollutant in a watershed." The first MDV was issued in October 2010, and subsequently revised and reissued in 2015; each subsequent iteration of the MDV is designed to build off the previous version, to make reasonable progress towards the water quality standard (WQS) of 0.7 ng/L dissolved mercury. The MDV is necessary because human-caused conditions or sources of mercury prevent attainment of the WQS and cannot be remedied (i.e., mercury is ubiquitous in New York waters at levels above the WQS and compliance with a water quality based effluent limitation (WQBEL) for mercury cannot be achieved with demonstrated effluent treatment technologies). The Department has determined that the MDV is consistent with the protection of public health, safety, and welfare. During the effective period of this MDV, any increased risks to human health are mitigated by fish consumption advisories issued periodically by the NYSDOH.

All surface water SPDES permittees are eligible for authorization by the MDV provided they meet the requirements specified in DOW 1.3.10.

Schedules of Additional Submittals

Schedules of Submittals are used to summarize the deliverables required by the permit.

Best Management Practices (BMP) Plans

BMP plans are authorized for inclusion in NPDES permits pursuant to Sections 304(e) and 402 (a)(1) of the Clean Water Act, and 6 NYCRR 750-1.14(f). The regulations pertaining to BMPs are promulgated under 40 CFR Part 125, Subpart K. These regulations specifically address surface water discharges.

Responsiveness Summary
Permit No. NY0107069, DEC # 8-5736-00005-00001
Lockwood Hills LLC
Lockwood Ash Disposal Site

May 13, 2022

Background

The New York State Department of Environmental Conservation (NYSDEC) issued a final State Pollutant Discharge Elimination System (SPDES) permit for Lockwood Hills LLC on May 17, 2022. The final permit was developed as a renewal initiated by the permittee as required in Consent Order R8-20140710-47 and pursuant to 6 NYCRR Part 750 following the receipt of an NY-2C application as outlined in the final Fact Sheet. The draft permit was publicly noticed in the *Environmental Notice Bulletin* on 12/08/2021, and in the newspaper *The Observer* on December 8, 2021, with a correction issued on December 22, 2021. The public comment period closed on January 7, 2022.

As required by 6 NYCRR 621.10(e), NYSDEC has prepared this Responsiveness Summary to address the comments that were received on the draft permit. See Appendix A for a list of commenters. Frequently raised comments are summarized and presented as one general comment and are not repeated as specific comments under the Responsiveness Summary. The full text of all comments received as part of the public notice process are included in Appendix B of this Responsiveness Summary. All comments on the draft permit and fact sheet are addressed below with commenter(s) referenced at the end of each comment.

Contents

I. General Comments 3

 A. Lockwood Permit Linked to Greenidge Station 3

 B. Joint WQ assessment 3

 C. Violation of SEQR, full EIS needed, etc. 4

 D. Daily Maximum Mercury Limit Value 5

 E. Protect Seneca Lake 5

II. Specific Comments 6

 A. DEC’s Lack of Response 6

 B. Segmentation 6

 C. Mercury Limit Values..... 7

 D. Mercury Minimization Program..... 7

 E. Bioaccumulative Contaminants of Concern..... 7

 F. Temperature in Keuka Lake Outlet..... 8

 G. Groundwater Monitoring 8

 H. CCR Rule 9

 I. Consent Order 9

 J. Metals Limitations and Antibacksliding 10

 K. Whole Effluent Toxicity Testing 11

Appendix A: Catalog of Commenters 12

Appendix B: Commenters Letters Received..... 17

Appendix C: Confirmation of Periods of No Discharge (Response 12) 18

I. General Comments

A. Lockwood Permit Linked to Greenidge Station

Comment 1: Several comments stated that operations at Lockwood Ash Disposal Site are directly associated with operations at Greenidge Generating Station. (Comments 1, 4, 5, 6-88, 89, 93-129)

Response 1: The Lockwood Ash Disposal Site (Lockwood Ash) (SPDES ID NY0107069) and Greenidge Station (Greenidge) (SPDES ID NY0001325) are separate facilities. The facilities are different industries, with different SIC codes, located at different addresses, owned by different companies and each facility has an individual SPDES permit that provides effluent limitations for the site-specific waste streams. The Lockwood Ash SPDES permit development was performed independent of operations/activities at Greenidge. Lockwood Ash SPDES permit limits and conditions are directly related to the pollutants in the leachate regardless of the specific entity that dispose solid wastes to the site.

The 6 NYCRR Part 360 permit dictates the type of solid waste that can be disposed at, and who can send that solid waste to, a facility. In accordance with the Lockwood Ash Part 360 Permit (DEC ID #8-5736-00005/00003-0), wastewater treatment plant sludge and surge basin dredging spoils are currently received from Greenidge Station. Lockwood Ash can also receive solid wastes from additional facilities as authorized under the Part 360 permit.

Comment 2: Several comments were received stating that the Lockwood Ash Disposal Site SPDES permit renewal is a segment of the overarching project to convert Greenidge Generating Station to a Bitcoin mining operation. (Comments 1, 4, 5, 6-88, 89, 93-128, 130)

Response 2: This is not correct. The Lockwood Ash permit renewal was triggered by Consent Order R8-20140710-47, which required separation of leachate and stormwater, and to eliminate discharge of leachate to groundwater from the leachate pond. Upon completion of the separation, the permittee was required to apply for full permit renewal. As stated in Response 1, changes in operation of Greenidge Station do not affect the conditions of the Lockwood Ash Disposal Site SPDES permit. The solid wastes Lockwood Ash receives from Greenidge are not related to bitcoin mining operations.

Comment 3: Several comments were received regarding the air permits at Greenidge Station (Comment 1, 128)

Response 3: As stated in Response 1, Greenidge Station is a separate facility from the Lockwood Ash facility. Additionally, air permits are reviewed under a different set of state regulations than SPDES permits.

B. Joint WQ assessment

Comment 4: Several comments were received regarding the need to conduct a review of the combined impact on water quality at Lockwood Ash Disposal Site (NY0107069), Greenidge Station (NY0001325), and Ferro Electronic Materials – Penn Yan Facility

(NY0002097). Many of these comments also mention the approved dilution study workplan at Greenidge as a reason for linking the facilities, “A comprehensive analysis of the hydrogeology of the area where Lockwood and Greenidge are discharging is badly needed. This is made even more urgent because DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro—Tranelco Division to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.” An additional comment states, “The impacts of the hot water discharges by Greenidge on the toxic chemicals being discharged by Lockwood need to be fully analyzed.” (Comments 1, 4, 5, 6-88, 93-128)

Response 4: Each facility has an individual SPDES permit that provides effluent limitations for the site-specific waste streams. The dilution study for Greenidge and Ferro that is referenced in the comments is specific to discharges from outfalls to Seneca lake from only these two permittees. Lockwood Ash Disposal Site (NY0107069) discharges to the Keuka Lake Outlet. The reasonable potential analysis for the Lockwood Ash Disposal Site discharge was conducted using the applicable water quality standards and receiving water conditions in Keuka Lake Outlet. All outfalls at Greenidge Station (NY0001325) discharge to Seneca Lake, except Outfalls 001 and 01A, which discharge to Keuka Lake Outlet. These outfalls are limited for temperature, flow, pH, total suspended solids (TSS), and oil & grease. The Lockwood Ash Disposal Site permit also contains limits for pH, TSS, and oil & grease. A temperature limit at the Lockwood Ash Disposal Site is not required based on results of the water quality review. See the factsheet for more information.

C. Violation of SEQR, full EIS needed, etc.

Comment 5: Several comments were received regarding the SEQR determination for this facility. Many of the comments state that the related nature of the Lockwood Ash Disposal Site and Greenidge Generating Station should warrant a Type I SEQR action and full environmental impact statement (EIS). One comment linked Ferro Electronic Materials – Penn Yan Facility (NY0002097), in addition to Greenidge Station (NY0001325), to Lockwood Ash Disposal Site (NY0107069) and a need for a full EIS. (Comments 1, 4, 5, 6-88, 93-129)

Response 5: As described in Response 1, Greenidge Station is a separate facility from the Lockwood Ash Disposal site. The action that we are reviewing for Lockwood Ash is a renewal of the SPDES permit. The action is a Type II Action under SEQR as it is a permit renewal “where there will be no material change in permit conditions or the scope of permitted activities” (6 NYCRR Part 617(c)(32)).

Greenidge and Ferro are separate facilities from Lockwood Ash; therefore, SEQR review for Lockwood Ash does not include Greenidge or Ferro. See Responses 1, 4, and 11 additional information.

Comment 6: Several comments were received stating that DEC has treated the repurposing of Greenidge for bitcoin mining as matter for bilateral negotiations between DEC and Greenidge Generation Holdings Inc. and is excluding the public from participating in negotiations. Additionally, several comments claimed segmentation and that DEC seeks to exclude the Greenidge repurposing project from SEQRA review by

treating each of the required permits for the project as a separate process and then characterizing these individual permitting processes as exempt from review under SEQRA. (Comments 1, 4-88, 93-129)

Response 6: See Response 1 above for discussion as to why Lockwood Ash and Greenidge Station are permitted separately. See Response 5 above for discussion on SEQRA.

D. Daily Maximum Mercury Limit Value

Comment 7: Several comments were received stating the mercury limit of 50 ng/L daily maximum should be reduced to standard of 0.7 ng/L. (Comments 1, 2, 6-88, 93-127, 129)

Response 7: In accordance with *DOW Policy 1.3.10 Mercury - SPDES Permitting & Multiple Discharge Variance*, existing discharges within the Great Lakes watershed shall receive a permit limit of 50 ng/L daily maximum.

E. Protect Seneca Lake

Comment 8: Several comments were received expressing concerns surrounding landfill pollution and surrounding the protection of Seneca Lake. (Comments 5, 90, 91, 92, 130, 131)

Response 8: As part of the permit renewal process, DEC conducted a reasonable potential analysis and reviewed applicable water quality standards, effluent limit guidelines, and other technology-based effluent limits in order to draft a SPDES permit for Lockwood Ash Disposal Site protective of water quality.

II. Specific Comments

A. DEC's Lack of Response

Comment 9: "Local attorney Rachel Treichler received no response for several requests she made for the Environmental Assessment Forms prepared by the applicant and DEC to assist her in understanding the Type II determination." (Comment 1)

Response 9: The Department responded to the FOIL request with all documents that we had. There was not an EAF submitted as part of this Action. See also the response to Comment 5.

Comment 10: "Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline."

Response 10: The Department determined that the comment period of 30 days was sufficient due to the nature of the permit application, which included a renewal and modification to update conditions and incorporate stormwater requirements. No permit conditions are less stringent than the previous permit. See fact sheet for *Summary of Permit Changes*.

The Department is not required to explain permit or SEQR decisions prior to the end of a public comment period. We are, however, required to consider and respond to all relevant comments made on a SPDES permit application within a Responsiveness Summary. Please see the response to Comment 5 above for an explanation of the SEQR Type II determination.

B. Segmentation

Comment 11: "...asking the public to comment on terms of the Lockwood SPDES permit before new terms for the Lockwood Part 360 have been made public is clearly segmentation."

Response 11: Segmentation relates to SEQR actions. When a facility is first permitted, or if a modification is proposed that affects multiple permit types, the Department reviews all permit types under one SEQR action; however, once a facility is operational, the Department does not review renewals of different permit types at the same time. One reason for this is that the permits have different durations. In addition, modifications of different permits are often done separately. In this case, the SPDES permit changes will result in environmental benefit and are consistent with the existing Part 360 permit.

C. Mercury Limit Values

Comment 12: “The permit includes a limit of 50 ng/L for the mercury limit, based on the NYSDEC Mercury TOGS 1.3.10, issued in 2020. This facility is within the Great Lakes basin. By NYSDEC’s TOGS, where there are 10 consecutive mercury results the limit must be based on existing effluent quality. There is a robust dataset for this facility, dating back to 2005. Within the last five years, there are seventeen results, which range from 0.5 ng/L to 3.2 ng/L. There are several periods of 10 or more consecutive mercury results, all well below the limit of 50 ng/L. Where the results are not consecutive, there is a gap of no more than one quarterly monitoring event, with no data. EPA would like to know if this is a period of no discharge. We have attached an ICIS pull of the most recent five years of mercury levels for this facility. In our view, this dataset of seventeen results are consecutive, therefore this limit should have been based on a calculation of EEQ. Such a calculation would likely have resulted in a limit of about 5 ng/L, an order of magnitude less than the limit NYSDEC has included. If there are gaps in consecutive monitoring or reporting in the last permit cycle, this is no justification for an effluent limit orders of magnitude higher than it should be based on Great Lakes regulations and NYSDEC’s own TOGS.” (Comment 2)

Response 12: The permittee completed the separation of the leachate and stormwater in October 2019; therefore, DEC reviewed effluent data for Lockwood Ash Disposal Site from November 2019 onward, which is representative of the current effluent at the facility. On 03/16/2022, the permittee confirmed that the abovementioned gaps in data were due to periods of no discharge. On 04/21/2022, the permittee submitted additional mercury data at the request of DEC. Data included 28 mercury results from February 2020 to February 2022. The factsheet and permit have been updated to reflect a semi-annual 50 ng/L daily maximum and a 12 ng/L 12 month rolling average limitation for Outfall 001 based on the existing effluent quality of 3.8 ng/L.

D. Mercury Minimization Program

Comment 13: “EPA disagrees with the MMP III designation of this facility for mercury minimization, given that it is a landfill that has historically accepted coal ash, which is known to contain mercury. We note that MMP II designation includes testing for hauled waste, which would appear to be a potential source for this facility as well.” (Comment 2)

Response 13: In accordance with *DOW Policy 1.3.10 Mercury - SPDES Permitting & Multiple Discharge Variance*, the Lockwood Ash Disposal Site permit requires a MMP Type III since the facility is within the Great Lakes Basin, is a significant minor industrial facility (Class 01) and has a mercury source. The reference to hauled waste for MMP Type II is for municipal facilities that accept hauled wastes.

E. Bioaccumulative Contaminants of Concern

Comment 14: “In addition to mercury, facilities within the Great Lakes basin must be regulated for discharges of other bioaccumulative contaminants of concern, such as dioxin and polychlorinated biphenyls. There is no reasonable potential analysis included for either dioxin or PCBs. There is a reference to a PCB minimization program. This permit should have included reasonable potential analyses for both dioxin and PCBs.” (Comment 2)

Response 14: In accordance with 6 NYCRR 750-1.7(b)(7), industrial SPDES permit applicants are required to designate pollutants as believed absent or present in the effluent and provide data for all pollutants that are believed to be present. The permittee did not submit PCB or dioxin data as part of the permit application; therefore, no reasonable potential analysis or limitations were needed. Neither the currently effective permit nor the proposed 2022 permit includes reference to a PCB minimization program.

F. Temperature in Keuka Lake Outlet

Comment 15: “The fact sheet states that this facility is not known to contribute to the temperature of Keuka Lake Outlet, but includes no data in the summary table. There has been regular and consistent monitoring at this facility, the fact sheet should have included the range of data in the reasonable potential analysis table as it did for other parameters to illustrate that the temperature was evaluated against the water quality standard. EPA has also responded to several community concerns regarding temperature in the Keuka Lake Outlet due to the neighboring Greenidge Generation facility. Please include more historical data and discussion regarding the nature of the temperature discharge from the Lockwood Ash facility, rather than incorporate by reference the 2012 study.” (Comment 2)

Response 15: A discussion of the thermal study review is included in the body of the factsheet and temperature data for Outfall 001 is included in the pollutant summary table. There is no temperature data for stormwater Outfalls 002 & 003 since they have not yet discharged. The permit requires temperature monitoring for Outfalls 002 & 003.

G. Groundwater Monitoring

Comment 16: “Although groundwater monitoring is required at Lockwood and at Greenidge, both monitoring programs need to be coordinated and evaluated together in a comprehensive environmental impact statement for overall operations. The Lockwood SPDES permit fact sheet states that ‘the groundwater monitoring program requirements were removed from the permit as they are now covered under the Environmental Management Plan as part of the Part 360 series Permit for the facility.’ A comprehensive analysis of the hydrogeology of the area where Lockwood and Greenidge are discharging is badly needed. This is made even more urgent because DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro—Transelco Division to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake. In fact, just such a hydrogeological study is required by Section 363-4.4 of the landfill regulations to be prepared in connection with a Part 360 permit application, but to our knowledge has not yet been produced. 6 NYCRR 363-4.4. The requirements for this report are very detailed. A copy of 6 NYCRR 363-4.4 is provided as Exhibit C.” (Comment 1)

Response 16: Groundwater monitoring is covered under the Part 360 permit and is not within the scope of the SPDES permit, which is why, as stated above, reference to the groundwater requirements have been removed from the SPDES permit. See Response 4 for more information on the dilution study. Also see Response 1 for additional information.

Comment 17: “You are well aware that the coal ash ponds on the Greenidge Generating Station site and the Lockwood site legally, ethically, and common-sensically require groundwater monitoring, and these should under no circumstances (except for corporate or personal gain) be segmented. In evaluating the Lockwood permit renewals, DEC must consider AS ONE the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges, and the Ferro toxic discharges into Seneca Lake, its tributary Keuka Outlet, and the connected groundwater aquifer in the Town of Torrey--even if discharged first into an inland pond on its way to these water sources.” (Comment 4)

Response 17: See Responses 1, 2, 5, 6, 11 above.

H. CCR Rule

Comment 18: “The new permit requirements referred to by DEC in its extension notice are presumably the requirements of EPA’s Disposal of Coal Combustion Residuals from Electric Utilities final rule (the CCR Rule), signed by the EPA Administrator on December 19, 2014, and published in the Federal Register on April 17, 2015. 40 CFR Part 22, 124 and 257...The requirements of the CCR regulations apply not only to the Lockwood SPDES permit, but also to the Lockwood Part 360 permit and the Greenidge SPDES permit. Both the Lockwood site and the Greenidge site contain coal ash residuals and are subject to the CCR regulations. The adoption of the CCR regulations and the need for DEC to evaluate the incorporation of new permit provisions to be in compliance with the CCR requirements makes clear that public is not in a position to evaluate the Lockwood SPDES permit on a stand-alone basis without having had a chance to review the shortly to be proposed Lockwood Part 360 permit or the shortly to be proposed new Greenidge SPDES permit.” (Comment 1)

Response 18: The extension referenced in the comment was to allow more time for the permittee to collect stormwater data for DEC to use to determine applicable limitations for Outfalls 002 and 003. The CCR regulations are federal regulations implemented by EPA. Lockwood Ash Disposal Site already has a website in place that is used to comply with EPA’s regulations (<https://lockwoodhillslc.com/>). Implementation of the CCR Rule at Lockwood Ash is outside the scope of the SPDES permit.

I. Consent Order

Comment 19: “In addition to both the Lockwood SPDES permit and the Lockwood Part 360 permit being subject to EPA’s CCR regulations, both permits are also subject to the 2015 Lockwood consent order. On February 18, 2015, DEC and the owner of the landfill executed a consent order. The consent order states that DEC ‘has determined that groundwater at the site contains substances in excess of the duly promulgated water quality standards for, inter alia, total dissolved solids, boron, manganese, magnesium, iron, sodium and sulfate,’ and that DEC “believes that the Leachate Pond is a source of the substances and has contributed and continues to contribute to a contravention of duly promulgated water quality standards in violation of ECL § 17-0501 and 6 N.Y.C.R.R. § 360-1.14(b)(2). Apparently, DEC is working out some sort of termination of the consent order through various requirements that have been imposed under the consent order and that are being implemented under the new Lockwood SPDES permit and a new Lockwood Part 360 permit. In these circumstances, asking the public to comment on

terms of the Lockwood SPDES permit before new terms for the Lockwood Part 360 have been made public is clearly segmentation.”

Response 19: The SPDES permit and Part 360 renewals are separate permitting actions. The final compliance requirement on Page 6 of the Consent Order states “...Lockwood Hills shall apply for and diligently pursue a modification of its SPDES permit and Part 360 permit to reflect, as necessary and appropriate, implementation of this Consent Order.” The February 19, 2015, Lockwood Consent Order (R8-20140710-47) states the standard provisions are incorporated into the Consent Order by reference, including a provision regarding order termination. The relevant standard provision states “Effective Period of this Order and Termination: This Order shall take effect when it is signed by the Commissioner of the Department or the Commissioner’s designee and shall expire when all the requirements imposed by the Order are completed to the Department’s satisfaction.” (Comment 1)

The comment about CCR Rule is addressed in Response 18 and the segmentation comment is addressed in Response 11.

J. Metals Limitations and Antibacksliding

Comment 20: “I look with concern at the degree of treatment required for the segregated landfill leachate stream. The fact sheet presents the basis of the effluent limits for the heavy metals generally as ‘antibacksliding’. In other words, the limits are based upon on either the historical limits in the older permits, or on an analysis of current effluent quality. I don’t find any data on raw leachate quality, or any analysis on the degree of treatment afforded by the cascade aeration (in my mind, awfully rudimentary, considering this is what is controlling the cumulative loading to the KO outlet delta area). I think the Consent Order contemplated a more complete degree of treatment (even mentioned off site treatment). The literature is replete with more technologically advanced treatment methods, and I feel that the technology based limits on the heavy metals should require a BPJ (best professional judgement) analysis and basis. Yes, the anti-backsliding limits are more stringent than the water quality based limits, which appear to have been derived from simple dilution ratios, ignoring background concentrations from Keuka Lake dischargers, and downstream loads from Ferro and Greenidge. However, even if the water quality based limits were derived based on allocation of loads, BPJ technology limits based on modern treatment schemes may be more stringent, and meet the intent of the NPDES body of regulation. ‘Pollutant Discharge Elimination’.” (Comment 3)

Response 20: DEC conducts a reasonable potential analysis to determine appropriate limitations in a permit. Existing permit limitations are compared to water quality-based effluent limits and technology-based effluent limits for applicable technology, and the most stringent limit is required in the permit for any parameters present in the effluent with reasonable potential to cause or contribute to an excursion of the water quality standard or criteria. Where applicable, *TOGS 1.2.1 Attachment C – Model Technology BPJ Limits* was consulted for technology-based limits for the current technology installed at the facility. In the case of Lockwood Ash Disposal Site, many of the existing limits were the most stringent option for the applicable parameters.

K. Whole Effluent Toxicity Testing

Comment 21: “The schedule for Whole Effluent Toxicity Testing is irresponsible in my mind. (Tests in Years ending in 3 and 8). Given that this amendment will probably be issued in 2022, why wait to see the true toxicity of the mixed chemical composition of the whole effluent. I feel the WETT should start in the first calendar quarter after amendment issuance (then 3 quarters after), and be conducted every other year after that. I am also looking at the dilution ratio used for the acute WETT alarm levels, which should consider only the portion of Keuka Outlet flow, at Q1,10 that mixes with the discharge, downstream to the lake. In a stream that provides for spawning runs of trout, and bank fishing on the west side, a 1/2 mile reach of potentially toxic environment needs to be flagged.” (Comment 3)

Response 21: As stated in the factsheet and consistent with TOGS 1.3.2, a reasonable potential analysis was performed using the existing WET data for this facility. It was determined that while the analysis indicated no potential for unacceptable toxicity in the effluent, WET testing is required based on criteria 1 & 4 from TOGS 1.3.2 and WET action levels in the permit have been updated based on current dilution. The proposed permit will maintain a 5-year monitoring schedule for chronic WET testing. The 5-year schedule is consistent with DEC’s current approach to including WET testing in permits. Should unacceptable toxicity be evidenced at any time, DEC will require additional WET testing, enforceable WET limits, and/or Toxicity Identification/Reduction Evaluation (TI/RE) procedures consistent with TOGS 1.3.2.

L. Effluent Limitation Guideline

Comment 22: “EPA notes the application of the Steam Electric Effluent Limitation Guideline (ELG) to the limitations for this facility. We agree with the application of the limits for Total Suspended Solids given the nature of the facility and current requirements of the ELG.” (Comment 2)

Response 22: Thank you for your comment.

Appendix A: Catalog of Commenters

Timely comments were received from:

	Affiliation	Name	Date
1	Sierra Club Atlantic Chapter, Seneca Lake Guardian, the Committee to Preserve the Finger Lakes, Cayuga Lake Environmental Action Now (CLEAN), South Shore Audubon, Stop the Algonquin Pipeline Expansion, Grassroots Environmental Education, NYPAN Environmental Committee, People for a Healthy Environment, Inc. and Fossil Free Tompkins on behalf of their members	Kathryn Bartholomew, Joseph Campbell, Abi Buddington, John V. Dennis and Brian Eden, Guy Jacob, Suzannah Glidden, Patti Wood, Mary Finneran, Doug Couchon, Irene Weiser	01/04/2022
2	USEPA Region 2, NPDES Section	Joshua Kogan	01/05/2022
3	Private Citizen	Rich Adams	01/06/2022
4	A cofounder of the Coalition to Protect New York	Maura Stephens	01/06/2022
5	On behalf of members of the Sierra Club Atlantic Chapter, Seneca Lake Guardian, the Committee to Preserve the Finger Lakes, Cayuga Lake Environmental Action Now (CLEAN)	Denise Katzman	01/07/2022
6	Private Citizen	Sheila Out	01/06/2022
7	Private Citizen	L J Fisher	01/07/2022
8	Co-owner of Cottage Views Bed and Breakfast	Deborah A. Cumings	01/06/2022
9	Private Citizens	Timothy L. Ross Mary Ellen Ross	01/07/2022
10	Founder, Project Coordinator Dish Truck	Joey Diana Gates	01/07/2022
11	Private Citizen	Caroline DeSarno	01/07/2022
12	Private Citizen	Mary T. Finneran	01/06/2022
13	Private Citizen	Olivia Ohlsten	01/06/2022

14	Department of Anthropology, Cornell University	Marina Welker	01/06/2022
15	Private Citizen	Martha Upton	01/06/2022
16	Private Citizen	Tracy Frisch	01/06/2022
17	Program Director, HeatSmartTompkins.Org	Lisa Marshall	01/07/2022
18	Private Citizen	Frank Limoncelli	01/07/2022
19	Private Citizen	Rana Sioufi	01/07/2022
20	Private Citizen	Amy Rosmarin	01/06/2022
21	Private Citizen	Jesse Junko Beardslee	01/07/2022
22	Private Citizen	E. Kevin Conley	01/07/2022
23	Private Citizens	Timothy Gersey and Lynda McPartland	01/07/2022
24	Private Citizen	Patricia Carvalho	01/07/2022
25	V. Romanoff and Associates	Sarah Adams & Victoria Romanoff	01/07/2022
26	Private Citizen	Judith Bristol	01/07/2022
27	Private Citizen	Jeffrey Frank	01/07/2022
28	Private Citizen	Ellen Henry	01/06/2022
29	Private Citizen	Diane Ciurczak	01/06/2022
30	Private Citizen	Beth Cain	01/06/2022
31	Private Citizen	Caroline Hecht	01/06/2022
32	Billsboro Winery	Vinny and Kim Aliperti	01/07/2022
33	Private Citizen	Cathy Shipos	01/07/2022
34	Private Citizen	Karen Martin	01/07/2022
35	Private Citizen	Thomas Goodfellow	01/07/2022
36	Prof. Emeritus (Physics) at Hobart and William Smith Colleges	Larry Campbell	01/07/2022
37	Private Citizen	Jeffrey C. Dembowski	01/06/2022
38	Private Citizen	René Carver	01/06/2022
39	Private Citizen	Mark Wagner	01/06/2022
40	Community Organizer, Clean Air Clean Water New York	Bridge Rauch	01/06/2022
41	Head Technician, Gimme! Coffee	Thomas Reyer	01/06/2022
42	Private Citizen	Linda Downs	01/06/2022
43	Private Citizen	Daniel Rapaport	01/07/2022
44	Private Citizen	Bill Mattingly	01/07/2022
45	Private Citizen	Janet Tyler	01/06/2022
46	Private Citizen	Stacy Gray	01/06/2022
47	Private Citizen	Melani Ladygo	01/06/2022
48	Private Citizen	Faith Muirhead	01/06/2022
49	Private Citizen	John F. Abel	01/06/2022
50	Private Citizen	Marilla Gonzalez	01/07/2022

51	Owner, Locke's Glen on the Lake Vacation Rentals	David Locke	01/07/2022
52	Seneca Lake Guardian	Ileen Kaplan-Maxwell	01/07/2022
53	Private Citizen	Kathryn DiParisi	01/06/2022
54	The White Gazebo Inn	Christopher and Christine Turner	01/07/2022
55	Private Citizen	Tawn Feeney	01/06/2022
56	Private Citizen	Amy J. Wiemers	01/06/2022
57	Private Citizen	Nathan Scott	01/07/2022
58	Zero Waste Ithaca	NA	01/07/2022
59	Private Citizen	Suzannah Glidden	01/07/2022
60	Town of Danby Supervisor	Joel Gagnon	01/07/2022
61	Sierra Club Niagara Chair, Amherst Energy Conservation Citizens Advisory Committee, Amherst Clean Energy Community Committee, Interfaith Climate Justice Community WNY	Sara Schultz	01/06/2022
62	Private Citizen	Michael Warren Thomas	01/07/2022
63	Private Citizen	Anne Erling	01/07/2022
64	Private Citizen	Maggie Pitkin	01/07/2022
65	President, Finger Lakes Zero Waste Coalition, Inc.	Douglas C. Knipple, Ph. D.	01/07/2022
66	Private Citizen	Ruth Atkin	01/06/2022
67	Private Citizen	Kathryn Slining Haynes	01/06/2022
68	Professor Emeritus, Department Design & Environmental Analysis, Cornell University	Franklin and Harriet Becker	01/07/2022
69	Private Citizen	Pamela Hughes	01/06/2022
70	Private Citizen	Tim Guinee	01/06/2022
71	Private Citizens	Wayne and Patricia Fell	01/06/2022
72	Private Citizen	Marcey Samson	01/06/2022
73	Chair, Environmental Justice Taskforce of the Western NY Peace Center	Charley Sandra , Ph.D.	01/07/2022
74	Private Citizen	Ann L Finneran	01/07/2022
75	Private Citizens	Abi and Winton Buddington	01/06/2022
76	Private Citizen	Unsigned	01/07/2022
77	Conservation Co-Chair, South Shore Audubon Society	Guy Jacob	01/06/2022
78	Private Citizen	Joyce Marsh	01/06/2022
79	Private Citizen	William Fudeman	01/06/2022

80	Private Citizen	Donna R. Davis	01/06/2022
81	Private Citizen	Kirk J Peters	01/06/2022
82	Private Citizen	Anne L. Bialke	01/06/2022
83	Attorney at Law	Lawrence Reverby	01/06/2022
84	President, NYS Division, Izaak Walton League of America	Les Monostory	01/06/2022
85	Private Citizen	Robert W. Meek, Esq.	01/07/2022
86	Private Citizen	Patricia Rodriguez	01/06/2022
87	Private Citizen	Jane Lawson	01/06/2022
88	Private Citizens	Barbara Jastran & Paul Salon	01/07/2022
89	Private Citizen	Dorothy Pomponio	01/07/2022
90	Private Citizen	Careyana Harben	01/06/2022
91	Private Citizen	Jacquelyn Depew Aman	01/07/2022
92	Private Citizen	Tim Devey	01/07/2022
93	Private Citizen	Ann Cain Crusade and Ernfred Anderson Crusade	01/08/2022
94	Private Citizen	Iris Hiskey Arno	01/08/2021
95	Private Citizen	Sandra Smith	01/07/2022
96	Private Citizen	Daniel Belliveau	01/06/2022
97	Private Citizen	Robert Romick	01/06/2022
98	Private Citizen	Linda Christensen	01/06/2022
99	Private Citizen	Ross M. Horowitz	01/06/2022
100	Private Citizen	Jeffrey Elliot	01/06/2022
101	Private Citizen	Rev. Richard S. Gilbert	01/06/2022
102	Private Citizen	Laurie Steinhorst	01/06/2022
103	Private Citizen	Jeffrey Lee Abbott	01/06/2022
104	Private Citizen	Amy Harlib	01/06/2022
105	Private Citizens	Keith and Lynn Alexander	01/06/2022
106	Private Citizen	Roxanne Kelly	01/06/2022
107	Private Citizen	Robert Meyer	01/06/2022
108	Private Citizen	Peggy Haine	01/06/2022
109	Private Citizen	Denise Speicher	01/06/2022
110	Private Citizen	Stevn Ramirez	01/06/2022
111	Private Citizen	Dr. James R. Covert	01/07/2022
112	Chair, Environmental Justice Taskforce of the Western NY Peace Center	Charley Bowman, Ph.D.	01/07/2022
113	Private Citizen	Valdi Weidpass	01/07/2022
114	Private Citizen	Tessa Sage Flores	01/07/2022
115	Private Citizen	Elaine Mansfield	01/07/2022
116	Private Citizens	Steve & Patty Bromka	01/07/2022
117	Private Citizen	Lynn Crane	01/07/2022
118	Private Citizen	John Gant	01/07/2022
119	Private Citizen	Sarah (Sally) Ward	01/07/2022

120	Private Citizen	Michael D. Black	01/07/2022
121	Private Citizen	William J Carroll, Ph. D	01/07/2022
122	Private Citizen	Mark Petzold	01/07/2022
123	Private Citizen	Nivo Rovedo	01/06/2022
124	Private Citizen	John A Zollo	01/06/2022
125	Private Citizen	David S Michalak	01/06/2022
126	Private Citizen	Joanne Swetman	01/06/2022
127	Private Citizen	John Cooley, MD	01/06/2022
128	Co-Founder, Stop the Algonquin Pipeline Extension (SAPE)	Jerry Ravnitzky	01/07/2022
129	Private Citizen	Margaret Jastran	01/07/2022
130	Chair, Town of Geneva Sustainability Committee	Jennifer Grant	01/07/2022
131	Private Citizen	Susan Dugolinsky	01/07/2022

Appendix B: Commenters Letters Received

Appendix C: Confirmation of Periods of No Discharge (Response 12)



January 7, 2022

VIA EMAIL

Kimberly A. Merchant
 Deputy Regional Permit Administrator
 Division of Environmental Permits
 New York State Department of Environmental Conservation, Region 8
 6274 East Avon-Lima Road
 Avon, New York 14414
 E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
 Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
 Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

On behalf of our members, the Sierra Club Atlantic Chapter, Seneca Lake Guardian, the Committee to Preserve the Finger Lakes, Cayuga Lake Environmental Action Now (CLEAN), South Shore Audubon, Stop the Algonquin Pipeline Expansion, Grassroots Environmental Education, NYPAN Environmental Committee, People for a Healthy Environment, Inc. and Fossil Free Tompkins respectfully submit the following comments objecting to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill (“Lockwood”) without the preparation of a full environmental impact statement evaluating the

environmental impacts of the repurposing of the Greenidge Generating Station (“Greenidge”) and its associated landfill as a bitcoin mining operation.

The Lockwood Ash Disposal Landfill is owned by Lockwood Hills LLC. The landfill is adjacent to Greenidge Generating Station and takes the waste from the Generating Station. Both Lockwood Hills, LLC and the owner of Greenidge Generating Station, Greenidge Generation LLC, are wholly owned subsidiaries of Greenidge Generation Holdings Inc., which recently listed its shares on NASDAQ.¹

Notice of the proposed modification and renewal of the Lockwood SPDES permit was given by the New York State Department of Environmental Conservation (DEC) in its Environmental Notice Bulletin on December 8, 2021.²

We request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at Lockwood Ash Disposal Landfill and Greenidge Generating Station. A number of substantive and significant adverse environmental impacts are identified in this letter and in our comment letter on the proposed Greenidge air permits dated November 19, 2021.³ (A copy of our November 19 letter is attached as Exhibit A.) A public hearing will aid DEC’s decision-making processes by providing a forum for the collection of public comment.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for bilateral negotiations between DEC and Greenidge Generation Holdings Inc. DEC’s efforts to exclude the public from participation in the negotiations surrounding the repurposing project are contrary to the requirements of SEQRA which mandates public involvement in processes of giving regulatory approval to actions that may have an impact on the environment. DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as a separate process and then characterizing these individual permitting processes as exempt from review under SEQRA. This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

¹ Greenidge Generation Holdings Inc., Sec. & Exch. Comm’n, Form S-1 Registration Statement (September 20, 2021), <https://ir.greenidge.com/static-files/e212c3fc-c311-4437-8fd9-4de0f763d708> .

² https://www.dec.ny.gov/enb/20211208_reg8.html#857360000500001

³ Comments from Seneca Lake Guardian, The Committee to Preserve the Finger Lakes, Fossil Free Tompkins, Sierra Club, and Earthjustice in Opposition to the Draft Title V Air Permit for Greenidge Generating Station, November 19, 2021, <https://treichlerlawoffice.com/water/greenidge/SC%20EJ%20Greenidge%20T5%20comments.pdf> .

POINTS

I. Modification of the Lockwood SPDES Permit Is a Component of Repurposing Greenidge Generating Station for Bitcoin Mining

A. Repurposing Greenidge Generating Station for Bitcoin Mining is a Type I Action under SEQRA

For the reasons set forth in our November 19 letter,⁴ repurposing Greenidge Generating Station for bitcoin mining qualifies as a Type I Action under SEQRA.

B. Operations at Lockwood Landfill are Directly Associated with Operations at Greenidge Generating Station

Operations at Lockwood Landfill are directly associated with operations at Greenidge Generating Station. Since the landfill was opened in 1979, the landfill has taken wastes from Greenidge, which is located across NYS Route 14 from the landfill.

The direct association between Lockwood and Greenidge was most recently acknowledged in the SPDES Permit Fact Sheet prepared for Lockwood on November 12, 2021.⁵ The fact sheet relies upon that direct association to exempt the landfill from EPA Effluent Limitation Guideline (ELG) calculations. The Fact Sheet states, “The Lockwood Ash facility was determined to be exempt from ELG requirements for landfill point source category due to applicability of 40 CFR Part 445.1(f).”⁶ 40 CFR 445.1(f) provides that “This part does not apply to discharges of landfill wastewater from landfills operated in conjunction with other industrial or commercial operations **when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill** and also receives other wastes provided the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR subchapter N as the industrial or commercial operation or the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation.[emphasis added.]” Thus the Fact Sheet indicates that Lockwood is currently receiving wastes generated by Greenidge.

This is in accordance with Greenidge’s historic use of Lockwood as a waste depository. The lay-up plan for the landfill prepared by Daigler Engineering and submitted to DEC in May 2011 describes the landfill as being in “support of the power plant operation” and an “integral element of power station operations.”⁷ The layup plan was prepared for Lockwood after Greenidge was retired in March 2011. The plan states:

⁴ Copy attached as Exhibit A.

⁵ See https://treichlerlawoffice.com/water/greenidge/lockwood/lockwood.ash.NY0107069_Factsheet.pdf.

⁶ Id., p. 21.

⁷ See <https://treichlerlawoffice.com/water/greenidge/lockwood/2011lockwoodlayupplan.pdf>, p. 110.

AES Greenidge, L.L.C. (AES) owns a coal fired electrical generating plant on the west shore of Seneca Lake near the Village of Dresden in the Town of Torrey, Yates County, New York. In support of the power plant operation, AES also owns the Lockwood Ash Disposal Site located on Swarthout Road, across NYS Route 14 from the power plant. . . .

The Greenidge Power Generating Station is in the process of entering a protective layup status. . . . As an integral element of power station operations, the Lockwood Ash Disposal Site is also being prepared for protective layup.⁸

Before it became public knowledge that Greenidge was engaging in bitcoin mining in early 2020,⁹ the Lockwood Annual Reports described the Lockwood Landfill as “a primarily coal ash monofill **associated with the Greenidge Power Generating Station, an electric generating plant that used to burn coal** in the Town of Torrey, Yates County, New York [emphasis added].”¹⁰ In contrast, the report filed in February 2020, the 2019 Annual Report, eliminates mention of any association with “the Greenidge Power Generating Station, an electric generating plant that used to burn coal” and states simply that Lockwood is “a primarily coal ash monofill in the Town of Torrey, Yates County, New York.”¹¹

As noted above, the fact that Lockwood and Greenidge are each wholly-owned subsidiaries of Greenidge Generation Holdings LLC is described in the Form S-1 Registration Statement filed by Greenidge Generation Holdings LLC with the SEC on September 20, 2021.¹² The 2021 Form S-1 does not state that the landfill is currently taking waste from the power station or that an increase in operations at the power station for bitcoin mining will increase the amount of waste entering the landfill.

We have had difficulty ascertaining the amount of waste, if any, that Greenidge is currently placing in Lockwood. The 2018 annual report states that no “ash waste” was disposed in the landfill during 2018. The 2019 annual report, the most recent report available, does not mention waste coming from Greenidge. The 2019 report estimates the remaining capacity for the currently constructed, synthetically-lined portion of the landfill as of December 31, 2019, as

⁸ Id.

⁹ See Greenidge Plant Now Operates Full-Time As a Bitcoin Mining Operation that Relies On Cheap ‘Behind-the-Meter’ Power, Peter Mantijs, *WaterFront Online Blog*, March 6, 2020, <https://waterfrontonline.blog/2020/03/06/greenidge-plant-now-operates-full-time-as-a-bitcoin-mining-operation-that-relies-on-cheap-behind-the-meter-power/>

¹⁰ See 2017 and 2018 Annual Reports for the Lockwood Ash Disposal Site, Facility No. 62N01, p. 1-1, https://treichlerlawoffice.com/water/greenidge/lockwood/62N01_Lockwood_Ash_ind_R8_2017.2018-03-01.AR.pdf and https://treichlerlawoffice.com/water/greenidge/lockwood/62N01_Lockwood_Ash_Disposal_ind_R8_2018.2019-03-01.AR.pdf.

¹¹ See 2019 Annual Report, p. 1-1, https://treichlerlawoffice.com/water/greenidge/lockwood/2019_LADS_Annual_Report.pdf.

¹² See note 2 above.

approximately 416,294 cubic yards. The report states, “Conservatively assuming a waste disposal rate of 100,000 tons per year (or 86,957 cubic yards per year, assuming an effective waste density of 1.15 tons per cubic yard that accounts for cover soils and other materials placed in the landfill) the projected life of the remaining lined area is approximately four years and ten months.”¹³ If 100,000 tons per year is a conservative estimate for wastes being deposited in Lockwood, where would such waste be coming from? Would it come from Greenidge? The report also notes that, “Beyond the capacity of the currently constructed landfill, an additional 2.45 million cubic yards of permitted, but not yet constructed capacity still remains on the site.”¹⁴

Our November 19 letter pointed out that the 95 MW of electric usage projected in the 2021 Form S-1 is 333 times the maximum usage anticipated by DEC in DEC’s 2016 Amended Negative Declaration covering the 2016 air permits.¹⁵

A full environmental review must be conducted to determine if increased electric usage at Greenidge for bitcoin mining is resulting in an increase in the wastes that are being deposited in the Lockwood landfill and must evaluate the impacts from those new wastes.

C. Modification of the Lockwood SPDES Permit Does Not Constitute a Type II Action under SEQRA

As DEC did with the Greenidge air permits, DEC mischaracterizes the modification of the Lockwood SPDES permit as a Type II action under SEQRA. The material changes in operations at Greenidge Generating Station, of which Lockwood Landfill is an integral part, and at the Lockwood Landfill require that the Lockwood SPDES permit decision be treated as a segment of an overall Type I action for the repurposing of Greenidge Station.

The requirements of SEQRA are summarized in our November 19 comment letter on the air permits.¹⁶ As we explain in that letter, to be classified as a Type II action, an action must have been determined not to have a significant impact on the environment.¹⁷ To be considered as a Type II action by DEC, an action must be listed in Section 617.5(c) of the SEQRA regulations as one of the actions that have been determined not to have an adverse effect on the environment. As in the case of its Type II determination for the air permits, DEC’s failure to identify which of the actions in the Section 617.5(c) list is the basis for its Type II determination for the Lockwood SPDES permit is unreasonable.

As lead agency for the SPDES permit, DEC is required under SEQRA to make a reasoned elaboration of the basis for its Type II determination.¹⁸ In the notice for the draft

¹³ Op.cit., note 10, p. 2-2 to 2-3.

¹⁴ Id.

¹⁵ See Exhibit A, p. 48.

¹⁶ Id. at 42-46.

¹⁷ 6 NYCRR 617.5(a).

¹⁸ *Zutt v. State*, 99 A.D.3d 85, 949 N.Y.S.2d 402 (2012); *Gernatt Asphalt Prod., Inc. v. Town of Sardinia*, 87 N.Y.2d 668, 664 N.E.2d 1226 (1996).

Permit, the DEC simply wrote: “Project is not subject to SEQRA because it is a Type II action.”¹⁹ No explanation of the determination was provided. Nor has DEC responded to requests for an explanation of its SEQRA determination.²⁰ This lack of reasoned elaboration is not in compliance with SEQRA.

It would not be appropriate for DEC to rely on the exemption in Section 617.5(c)(32) for certain types of permit renewals. This categorization only applies “where there will be no *material change* in permit conditions *or the scope of permitted activities*.”²¹ Here, as discussed below, modifications of the Lockwood SPDES permit conditions are necessary to comply with the requirements of EPA’s national coal ash regulations and DEC’s 2015 consent order for violations of the Lockwood SPDES permit and the Lockwood Part 360 permit. In these circumstances, the modification of the Lockwood SPDES permit does not qualify as a Type II action and is not exempt from SEQRA review.

Furthermore, the modification and renewal of multiple permits is not a Type II Action under Section 617.5(c)(32). The modification of the Lockwood SPDES permit is only one segment of an overarching project to repurpose the Greenidge Generating Station for bitcoin mining. Each of the other permits for Lockwood and Greenidge are in the process of being reissued or will be reissued soon in conjunction with this project.

II. Modifications of All Lockwood and Greenidge Permits Must Be Evaluated Together in a Single Co-ordinated Full Environmental Impact Statement

DEC announced on September 8, 2021, that it had received applications to renew the Greenidge air permits.²² The comment period on these applications was extended to November 19, 2021.²³ On December 8, 2021, DEC announced the proposed modification and renewal of the Lockwood SPDES permit.²⁴ The expiration date of the Lockwood SPDES permit, which was last modified in 2010, was extended administratively by DEC in February 2016.²⁵ The Lockwood Part 360 permit, which was issued in 2008,²⁶ appears to be headed for renewal

¹⁹ ENB notice, note 2 above.

²⁰ Local attorney Rachel Treichler received no response for several requests she made for the Environmental Assessment Forms prepared by the applicant and DEC to assist her in understanding the Type II determination. See email from R. Treichler to K. Merchant attached as Exhibit B.

²¹ 6 NYCRR 617.5(c)(32) (emphasis added).

²² DEC ENB, Region 8 Completed Applications 09/08/2021, Sept. 9, 2021), https://www.dec.ny.gov/enb/20210908_reg8.html#Greenidge_Generation_LLC%20/2.

²³ Id.

²⁴ https://www.dec.ny.gov/enb/20211208_reg8.html#857360000500001.

²⁵ Notice that SPDES permit expiration date will be extended while DEC completes technical review of the permit, February 18, 2016, <https://treichlerlawoffice.com/water/greenidge/lockwood/LTO.SPDES.NY0107069.2016-02-18.SAPAEExtended.pdf>.

²⁶ <https://treichlerlawoffice.com/water/greenidge/lockwood/2008%20Lockwood%20Part%20360%20Permit.pdf>.

shortly.²⁷ The Greenidge SPDES permit and the Greenidge water withdrawal permit will be up for renewal in September of this year.²⁸

DEC's failure to consider the renewals and modifications of all these permits together is segmentation in violation of the SEQRA regulations. Section 617.4(a)(1) of the SEQRA regulations provides that, "For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part." 6 NYCRR 617.4(a)(1). Section 617.7(c)(2) provides that:

For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof, or
- (iii) dependent thereon.

6 NYCRR 617.7(c)(2). The SEQRA regulations thus make clear that all permits related to the operations of Greenidge and Lockwood need to be evaluated together when a SEQRA review of the impacts of the permits is conducted. It is impermissible segmentation for DEC to consider the modifications to the individual permits separately as it has been doing.

The stated reason for DEC's extension of the expiration date of the Lockwood SPDES permit was that DEC would be "undertaking a full technical review of the SPDES discharge to determine the need to incorporate new permit requirements under the Federal Clean Water Act."²⁹

The new permit requirements referred to by DEC in its extension notice are presumably the requirements of EPA's Disposal of Coal Combustion Residuals from Electric Utilities final rule (the CCR Rule), signed by the EPA Administrator on December 19, 2014, and published in the Federal Register on April 17, 2015.³⁰ 40 CFR Part 22, 124 and 257. These regulations provide a comprehensive set of requirements for the safe disposal of coal ash from coal-fired

²⁷ See e.g., Response to 9-11-2020 Notice of Incomplete Application #3, from Daigler Engineering to DEC, October 9, 2020, which references both the Lockwood SPDES renewal and the Lockwood Part 360 renewal, https://treichlerlawoffice.com/water/greenidge/lockwood/Lockwood_Response_to_9-11-20_NOIA.pdf.

²⁸ See <https://treichlerlawoffice.com/water/greenidge/Greenidge.IndSPDES.NY0001325.2019-09-05.ModIssuance.pdf> and https://treichlerlawoffice.com/water/greenidge/WaterPermit_Final_2017-09-11_.pdf.

²⁹ Id.

³⁰ <https://www.epa.gov/coalash/proposed-rule-disposal-coal-combustion-residuals-electric-utilities-federal-ccr-permit>.

power plants. The regulations include technical standards that prevent the leaking of contaminants into groundwater, blowing of contaminants into the air as dust, and catastrophic failure of coal ash surface impoundments. Additionally, the rule sets out inspection, monitoring, recordkeeping and reporting requirements and makes transparency a cornerstone of the program by requiring facilities to post compliance data online on a facility-established, publicly available website.³¹

The requirements of the CCR regulations apply not only to the Lockwood SPDES permit, but also to the Lockwood Part 360 permit and the Greenidge SPDES permit. Both the Lockwood site and the Greenidge site contain coal ash residuals and are subject to the CCR regulations.³²

The adoption of the CCR regulations and the need for DEC to evaluate the incorporation of new permit provisions to be in compliance with the CCR requirements makes clear that public is not in a position to evaluate the Lockwood SPDES permit on a stand-alone basis without having had a chance to review the shortly to be proposed Lockwood Part 360 permit or the shortly to be proposed new Greenidge SPDES permit.

In addition to both the Lockwood SPDES permit and the Lockwood Part 360 permit being subject to EPA's CCR regulations, both permits are also subject to the 2015 Lockwood consent order. On February 18, 2015, DEC and the owner of the landfill executed a consent order.³³ The consent order states that DEC "has determined that groundwater at the site contains substances in excess of the duly promulgated water quality standards for, inter alia, total dissolved solids, boron, manganese, magnesium, iron, sodium and sulfate," and that DEC "believes that the Leachate Pond is a source of the substances and has contributed and continues to contribute to a contravention of duly promulgated water quality standards in violation of ECL § 17-0501 and 6 N.Y.C.R.R. § 360-1.14(b)(2)."³⁴

Apparently, DEC is working out some sort of termination of the consent order through various requirements that have been imposed under the consent order and that are being implemented under the new Lockwood SPDES permit and a new Lockwood Part 360 permit. In these circumstances, asking the public to comment on terms of the Lockwood SPDES permit before new terms for the Lockwood Part 360 have been made public is clearly segmentation.

It is also segmentation not to consider the impacts of the toxic discharges being allowed under the Lockwood SPDES permit together with the impacts of the toxic discharges being allowed under the Greenidge SPDES permit. Both sets of discharges are going into three closely related bodies of water, Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey. Lockwood is allowed to discharge into the Keuka Outlet at a

³¹ Id.

³² Both Lockwood and Greenidge are maintaining the required CCR websites. See Lockwood Hills LLC Combined Coal Residuals (CCR) Rule Compliance Data and Information, <https://lockwoodhillsllc.com/>, and Greenidge Generation LLC CCR Rule Compliance Data and Information, <https://greenidgeccr.com/>.

³³ <https://treichlerlawoffice.com/water/greenidge/lockwood/2015-2-19%20Consent%20Order.pdf>.

³⁴ Id.

point just upstream of the point where Greenidge is allowed to discharge millions of gallons of condenser cooling water. The impacts of the hot water discharges by Greenidge on the toxic chemicals being discharged by Lockwood need to be fully analyzed. Although Greenidge discharges its toxic chemicals directly into Seneca Lake, these discharges circulate above the local aquifer for quite a distance before being released into the lake. This is the same aquifer that the 2015 consent order found was being contaminated by discharges from Lockwood.

Both the Lockwood SPDES permit and the Greenidge SPDES permits have Mercury Minimization Plans that allow mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits.

Although groundwater monitoring is required at Lockwood and at Greenidge, both monitoring programs need to be coordinated and evaluated together in a comprehensive environmental impact statement for overall operations. The Lockwood SPDES permit fact sheet states that “the groundwater monitoring program requirements were removed from the permit as they are now covered under the Environmental Management Plan as part of the Part 360 series Permit for the facility.”³⁵

A comprehensive analysis of the hydrogeology of the area where Lockwood and Greenidge are discharging is badly needed. This is made even more urgent because DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro—Transelco Division to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.³⁶

In fact, just such a hydrogeological study is required by Section 363-4.4 of the landfill regulations to be prepared in connection with a Part 360 permit application, but to our knowledge has not yet been produced. 6 NYCRR 363-4.4. The requirements for this report are very detailed. A copy of 6 NYCRR 363-4.4 is provided as Exhibit C.

A full environmental impact statement considering the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the toxic discharges by Ferro is required before the Lockwood and Greenidge discharges can be properly evaluated. The cumulative impacts of all these discharges must be considered under SEQRA. 6 N.Y.C.R.R. 617.3(g)(1); 6 N.Y.C.R.R. 617.2(ag).

CONCLUSION

In these circumstances, the Lockwood SPDES permit must be denied because DEC’s Type II determination is incorrect, and no SEQRA review has been conducted of combined operations at Lockwood and Greenidge or of the cumulative impacts of toxic discharges from Lockwood, Greenidge and Ferro.

³⁵ Op. cit., n. 5, p. 21.

³⁶ See [https://treichlerlawoffice.com/water/greenidge/2019-9-27%20%20Dilution Study Workplan 9-27-2019_Final.pdf](https://treichlerlawoffice.com/water/greenidge/2019-9-27%20%20Dilution%20Study%20Workplan%209-27-2019_Final.pdf).

Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
January 7, 2022

Respectfully submitted,

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Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
January 7, 2022

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EXHIBITS

Exhibit A — Comments from Seneca Lake Guardian, The Committee to Preserve the Finger Lakes, Fossil Free Tompkins, Sierra Club, and Earthjustice in Opposition to the Draft Title V Air Permit for Greenidge Generating Station, November 19, 2021.

Exhibit B — Email from Rachel Treichler to Kim Merchant Re: Request for Documents and for Extension of Comment Period on Lockwood SPDES Permit Application 8-5736-00005/00001 - SPDES NY0107069, December 20, 2021.

Exhibit C — 6 NYCRR 363-4.4. Hydrogeologic investigation report,
<https://govt.westlaw.com/nycrr/Document/Id4d6cb58dfe911e7aa6b9b71698a280b?>

Exhibit A



**Comments from Seneca Lake Guardian, The Committee to Preserve the Finger Lakes,
Fossil Free Tompkins, Sierra Club, and Earthjustice
in Opposition to the Draft Title V Air Permit for Greenidge Generating Station,
located at 590 Plant Road, Dresden, New York 14441
(Permit ID: 8-5736-00004/00017)**

**Submitted to the New York State Department of Environmental Conservation
via email and U.S. Mail to:**

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November 19, 2021

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TABLE OF CONTENTS

I. NEITHER THE APPLICANT’S ORIGINAL 2016 CLEAN AIR ACT PERMIT NOR THE CURRENT DRAFT PERMIT ARE SUFFICIENT TO AUTHORIZE ITS NEW PROOF-OF-WORK CRYPTOCURRENCY MINING OPERATIONS..... 2

A. The Applicant’s Clean Air Act Construction and Operating Permit Should Not Be Renewed Because the Facility’s Fundamental Purpose Has Changed, Rendering DEC’s Prior Best Available Control Technology (BACT) and Lowest Achievable Emissions Rate (LAER) Determinations Invalid..... 2

B. A Facility’s Purpose is Fundamental to a Permitting Agency’s Determination of Control Options for Purposes of the Clean Air Act’s New Source Review Program..... 7

C. The BACT Determination for the Applicant’s Proof-of-Work Cryptocurrency Mining Facility Likely Would Be Different from the BACT Determination for Its Originally-Proposed Natural-Gas-Fired Electric Generating Station Producing Electricity for the Grid..... 9

D. Due to the Conversion from an Electric Generating Station to a Proof-of-Work Cryptocurrency Mining Operation, DEC Must Not Only Refuse to Renew the Applicant’s Air Permit, But Also Revoke the Original 2016 Permit. 11

E. Due to the Applicant’s Failure to Describe the Material Changes to its Activities in Its Clean Air Act Permit Renewal Application, DEC Should Not Allow Greenidge to Continue Operating Pursuant to Its Expired Permit Under the Permit Application Shield. 12

F. The Applicant’s Construction of Its New Data Facility and Commencement of Proof-of-Work Cryptocurrency Mining Activities, Without First Obtaining a New Source Review Permit Authorizing Such Major Modification, Violated the Clean Air Act..... 12

II. THE APPLICANT’S PERMIT MUST BE DENIED BECAUSE IT IS INCONSISTENT WITH THE CLCPA AND WOULD INTERFERE WITH THE ATTAINMENT OF STATEWIDE GREENHOUSE GAS EMISSION LIMITS..... 16

A. The Significant Increase in GHG Emissions from the Facility’s Change in Operations to Mine Bitcoin Is Inconsistent with the CLCPA. 16

B. DEC Must Apply CLCPA Section 7 Analysis to This Permit Application. 17

C. The Facility’s Material Change of Operations Has Resulted in Increased GHG Emissions..... 18

i. The Facility’s Increase in Emissions Will Interfere with the State’s Transition to a Zero-Emissions Electricity Sector. 19

ii. Cumulative Emissions from the Material Changes at the Facility Are Inconsistent with the CLCPA and Would Interfere with Statewide GHG Emissions Limits..... 21

iii.	The Facility’s Limited Service to the Grid Is Also Not Consistent with the CLCPA’s Mandates.....	22
D.	The Facility’s GHG Emissions Must Be Considered with Reference to Statewide Emissions and Reduction Goals.....	23
E.	The Significant Impacts on the Environment from the Facility’s Material Change in Operations Is Not Necessary Nor Justified.....	24
i.	The Significant Increase in GHG Emissions from the Facility’s Proof-of-Work Cryptocurrency Mining Is Unnecessary and Unjustified.....	24
ii.	The Significant Water Impacts and Noise Impacts, as well as the Electronic Waste from the Facility’s New Proof-of-Work Cryptocurrency Mining Are Unnecessary and Unjustified.....	25
iii.	The Facility’s “Peaker” Service Is Likely Not Necessary.....	26
F.	The Applicant Has Not Identified Adequate Alternatives or Mitigation Measures That Comply with the CLCPA.....	29
i.	The Installation of a Small Solar Array by Greenidge Cannot Mitigate the Burning of Fossil Fuels at the Power Plant that Will Emit Up to 641,878 Tons of GHGs Per Year.....	29
ii.	Purchasing Offsets Is Not a Permissible Mitigation Measure Under the CLCPA.	30
G.	The CLCPA Prohibits DEC from Approving the Draft Title V Permit Prior to the Submission of the Company’s Mitigation Plan.	30
H.	Alternatives to Significant Increases in GHG Emissions from the Facility’s Change in Operations to Mine Proof-of-Work Cryptocurrency Exist.	32
i.	No Proof-of-Work Cryptocurrency Mining Is an Alternative.	32
ii.	There Are Many Less Energy-Intensive Methods of Cryptocurrency Mining as Alternatives.....	32
iii.	The Applicant Could Utilize Only Zero-Emissions Renewable Energy to Mine Proof-of-Work Cryptocurrency.....	34
iv.	DEC Should Disregard All Discussion of a Possible Switch to Hydrogen Fuel Because Greenidge Has Not Demonstrated That Conversion to an Alternative Fuel Is Technically or Economically Feasible at the Site, or that Hydrogen Fuel Combustion Would Result in Zero Emissions, as Required by the CLCPA.....	35
a.	Burning Green Hydrogen Is Infeasible Due to Limited Supply and High Costs.	36
b.	Hydrogen Combustion is Not Zero-Emissions.....	37

I.	The Facility Has Not Established That It Is Necessary, and Viable Alternatives in the Region Suggest It Is Not.	39
i.	Existing and Near-Term Development of Renewable Energy Can and Will Continue to Serve the Local Load and Can Meet Demand Needs Without the Facility.	39
ii.	Recent Transmission and Distribution Infrastructure Improvements in Zone C Can Also Meet Demand Needs Without the Facility.	40
iii.	Battery Storage Will Expand Over the Coming Years and Can Meet Demand Needs Without the Facility.	40
III.	THE FACILITY’S AIR PERMITS MUST BE DENIED BECAUSE THE SEQRA REVIEW WAS BASED ON ENTIRELY DIFFERENT CIRCUMSTANCES.....	42
A.	The Requirements and Purposes of SEQRA.....	42
B.	The Issuance of This Air Permit Must Be Categorized as a Type I Action Under SEQRA Because Operations Onsite Have Changed Substantially and Will Have Significant Adverse Environmental Effects—Locally, Statewide and Beyond.....	44
C.	Significant Air Emissions Impacts from Proof-of-Work Cryptocurrency Mining Are Not Justified, and Require a Full Type I SEQRA Review.	47
D.	The Significant Changes in Operations at the Facility Significantly and Adversely Impact Nearby Water Sources, Which Are Not Justified, and Require a Full Type I SEQRA Review.	48
E.	The Significant Changes in Operations at the Facility Significantly and Adversely Impact Nearby Community Character and Have Tremendous Noise Impacts, Which Are Not Justified, and Require a Full Type I SEQRA Review.	52
F.	Safety Issues Should Be Examined Due to the Significant Changes in Operations at the Facility.	53
G.	The Additional 120-Day Review Period for Any Purposed Mitigation Plan Is Unlawful and Defeats Informed Public Review and Comment Procedures.....	54
IV.	SUBSTANTIVE AND SIGNIFICANT ISSUES HAVE BEEN RAISED THAT MERIT AN ADJUDICATORY HEARING.....	54
	CONCLUSION.....	56

Seneca Lake Guardian, The Committee to Preserve the Finger Lakes, Fossil Free Tompkins, Sierra Club, and Earthjustice respectfully submit the following comments addressing the Draft Title V Permit for Greenidge Generating Station, located at 590 Plant Road, Dresden, New York 14441 (Permit ID: 8-5736-00004/00017) (the “Facility”).

Given the immense climate and local air impacts from the Facility’s material change in operations to mine Bitcoin, the New York State Department of Environmental Conservation (“DEC”) must deny the draft Title V Facility Permit (“Permit”) at the Facility until Greenidge Generation LLC (“Greenidge” or the “Applicant”) can show compliance with both the Clean Air Act and the Climate Leadership and Community Protection Act (“CLCPA”), and only after a full environmental review under the State Environmental Quality Review Act (“SEQRA”).

As Commissioner Seggos recently stated:

“NYS is taking action on #ClimateChange. Today @NYSDEC released for public comment draft air permits for former coal plant turned bitcoin mine, Greenidge LLC. DEC has not made a final determination on the permits and Greenidge has not shown compliance with NY’s climate law . . . @NYSDEC wants comments on the proposal’s compliance with NY’s climate law #CLCPA.”¹

The Environmental Notice Bulletin for the draft Permit states:

“In accordance with 6 NYCRR 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6 NYCRR Part 201.”²

Senator Gillibrand recently stated in her September 8, 2021 letter to the EPA that “the potential consequences of the plant’s Bitcoin mining operations and the effect on local emissions and air quality” are significant and require full assessment.³ Senator Schumer also recently “urged the Environmental Protection Agency (EPA) to exercise its oversight powers under the Title V Clean Air Act and Clean Water Act and closely review Greenidge Generation Plant’s permit renewal application” because “[t]he EPA and NYSDEC regulate such plants to keep these negative impacts on our health and the environment to a minimum, while maximizing the public

¹DEC, Commissioner Basil Seggos, @BasilSeggos, Twitter, (Sept. 8, 2021), <https://twitter.com/basileggos/status/1435724739352449025>.

² DEC, *ENB Region 8 Completed Applications 09/08/2021* (Sept. 9, 2021), https://www.dec.ny.gov/enb/20210908_reg8.html#Greenidge_Generation_LLC%20/2.

³ Letter from Sen. Kirsten Gillibrand to EPA *on Greenidge Bitcoin Plant Title V Permit* (Sept. 8, 2021), <https://www.gillibrand.senate.gov/imo/media/doc/Gillibrand%20Letter%20to%20EPA%20on%20Greenidge%20Bitcoin%20Plant%20Title%20V%20Permit%20-%20Updated.pdf>.

good” and “[t]his increase in emissions may bring profits to the plant’s owners, but it does not provide the same pub[l]ic good to the surrounding community. . .”⁴

The Applicant’s Title V Air Permit is noncompliant with the applicable requirements of the Clean Air Act and 6 NYCRR Part 200 *et seq.*, as well and noncompliant and inconsistent with the statutory provisions of the CLCPA, for the reasons set out below.

I. NEITHER THE APPLICANT’S ORIGINAL 2016 CLEAN AIR ACT PERMIT NOR THE CURRENT DRAFT PERMIT ARE SUFFICIENT TO AUTHORIZE ITS NEW PROOF-OF-WORK CRYPTOCURRENCY MINING OPERATIONS.

A. The Applicant’s Clean Air Act Construction and Operating Permit Should Not Be Renewed Because the Facility’s Fundamental Purpose Has Changed, Rendering DEC’s Prior Best Available Control Technology (BACT) and Lowest Achievable Emissions Rate (LAER) Determinations Invalid.

When Greenidge applied for a permit to construct and operate its Facility in 2016, it sought DEC’s approval for an electric generating station that would generate limited electricity for sale.⁵ Though the Facility was originally constructed decades ago, the prior owner relinquished its permits in 2012 and U.S. EPA required DEC to permit the Facility’s 2016 reactivation as a “new” source subject to major New Source Review (NSR) requirements in Clean Air Act (“CAA”) parts C (Prevention of Significant Deterioration) and D (nonattainment NSR). Among other things, this meant that the Facility had to be made subject to emission limits equivalent to “best available control technology” (“BACT”) for pollutants for which the

⁴ Sen. Charles E. Schumer, Press Release, *Schumer Calls on EPA to Review Air Permit For Greenidge Power Plant Cryptocurrency Mining Facility* (Oct. 12, 2021), <https://www.schumer.senate.gov/newsroom/press-releases/citing-environmental-concerns-schumer-calls-on-epa-to-review-air-permit-for-greenidge-power-plant-cryptocurrency-mining-facility-senator-reveals-emissions-from-plant-have-recently-increased-tenfold-and-with-ownership-planning-to-expand-virtual-mining-operation-pollution-from-mining-will-only-increase>.

⁵ Greenidge’s 2016 application made it clear that the station was being reopened for the purpose of producing electricity, on a limited basis, to be sold on the wholesale market. First, Greenidge’s 2016 air permit application identified the applicable Standard Industrial Classification codes as 4911 (“Electric Services—Establishments engaged in the generation, transmission, and/or distribution of electric energy **for sale**”) and 4931 (“Electric and Other Services Combined—Establishments primarily engaged in providing electric services in combination with other services, **with electric services as the major part** though less than 95% of the total”) (emphasis added). Greenidge Air Permit Application, DEC ID 8-5736-00004 at 2 (Mar. 14, 2016). (Descriptions obtained from <https://www.naics.com/search/>). In addition, DEC confirmed its understanding that Greenidge would only be producing electricity to be sold to the grid when it issued its “Negative Declaration” under SEQRA, which stated: “The re-activation of Unit 4 at Greenidge Station will use biomass and natural gas to generate electricity. However, the operation of the plant itself will not create a new demand for energy. Rather, it will serve as another facility to help meet the current electricity demands of the region. As a result, the plant will have no significant adverse impacts in increasing the use of energy.” SEQR Part 3, *Full Environmental Assessment Form Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance*, DEC Application #8-5736-00004/00001m /00016, and /00017 at 3 (June 28, 2016).

area was attaining federal ambient air quality standards,⁶ and equivalent to the “lowest achievable emissions rate” for pollutants for which the area was not attaining federal standards.⁷ These critical Clean Air Act determinations were made based on the core assumption that the proposed Greenidge Facility would operate with the primary purpose of producing electricity for sale.

After only a few years of operating as an electric generating facility, however, the Facility’s owners realized that there was not enough demand for electricity to make operating the Facility profitable. According to a 2019 presentation by Greenidge attorney Kevin McAuliffe explained that Greenidge had not been generating electricity for public consumption.⁸ Mr. McAuliffe stated that rather than close the power plant down, the plant owners decided to convert the Facility to a Bitcoin mining operation as a way to get a return on their already substantial investment of \$25 million to convert the former coal plant to natural gas and building a spur pipeline to supply it.⁹

In 2020, the Facility began its transformation into a Bitcoin mining facility, installing prefabricated containers housing energy-intensive computers and other hardware at the plant, as well as “electrical equipment . . . (overhead and underground) including poles, transformers, and other associated equipment.”¹⁰ Construction at the Facility continues to this day. Though Greenidge has a contract with the New York Independent System Operator (NYISO) to provide capacity services if called into service, and the plant may also elect to sell electricity to the grid when it is profitable to do so, the new data centers will utilize the vast majority of the electricity generated. Last year, the Greenidge CFO stated that:

“Although there is no fixed threshold of revenue from selling power that would make us want to sell the power instead of mine crypto, currently that number would be over \$100 per MWh of power that we generate.”¹¹

With average prices in the NYISO Central Zone much lower than \$100/MWh (in fact, closer to \$20/MWh in 2020),¹² this statement confirms the Applicant’s intent to use its

⁶ CAA § 165(a)(4), 42 U.S.C. § 7475(a)(4); 40 C.F.R. § 52.21(j)(2); 6 NYCRR § 231-7.6.

⁷ 42 U.S.C. § 7503(a)(2); 6 NYCRR § 231-5.4.

⁸ John Christensen, *Power Plant to Add Data Center*, The Chronicle-Express (July 31, 2019), <https://web.archive.org/web/20190731061907/https://www.chronicle-express.com/news/20190731/power-plant-to-add-data-center#expand>.

⁹ *Id.*

¹⁰ Town Planning Board, Town of Torrey, *Conditioned Negative Declaration* (Nov. 17, 2020), https://treichlerlawoffice.com/water/greenidge/PB%20Final%20SEORA_11162020.pdf.

¹¹ DailyAlts, *Digital Assets: Greenidge Gen, Once a Coal Plant, Is Now a Profitable Crypto Miner* (Aug. 2020), <https://dailyalts.com/digital-assets-greenidge-gen-once-a-coal-plant-is-now-a-profitable-crypto-miner/>.

¹² NYISO, *Market Operations Report* at I at 11 (Mar. 17, 2021), https://www.nyiso.com/documents/20142/19922573/Market%20Operations%20Report_%20BIC_03.17.21.pdf/0268211f-d6c1-551e-3cab-fc158fbad0ef.

generation for on-site cryptocurrency mining. Indeed, in 2020, Greenidge CFO stated “Without the crypto mining operation, we would not be running most of the time. . .”¹³

As an illustration of the changes in Facility operations and resultant increased GHG emissions following its conversion to Bitcoin mining, one can simply look at the days of operations at the Facility and capacity factor from before it began mining Bitcoin, and after it began mining Bitcoin, as follows:

Year ¹⁴	Days of Operation ¹⁵	Approx. Annual Capacity Factor ¹⁶	CO2 emitted (tons per year) ¹⁷	Fuel source
2009	267	34%	455,795	Coal
2010	358	65%	599,105	Coal
2011	0	0%	0	none
2012	0	0%	0	none
2013	0	0%	0	none
2014	0	0%	0	none
2015	0	0%	0	none
2016	0	0%	0	none
2017	135	17%	124,009	Gas
2018	147	19%	119,304	Gas
2019	48	6%	39,406	Gas
2020 ¹⁸	343	42%	228,303	Gas
2021	Every day	Increasing ¹⁹	203,832 (through Sept. 30, 2021)	Gas

¹³ *Digital Assets: Greenidge Gen, Once a Coal Plant, Is Now a Profitable Crypto Miner*, DailyAlts (Aug. 19, 2020) <https://dailyalts.com/digital-assets-greenidge-gen-once-a-coal-plant-is-now-a-profitable-crypto-miner/>.

¹⁴ Data for the table has been gathered from the Applicant’s emissions as listed under the EPA’s *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>. Each year, the EPA compiles hours of operation, tons of CO2 emissions, NOx emissions, and other CO2e pollutants.

¹⁵ Days having less than three hours of operation were not included.

¹⁶ The annual capacity factor is a percentage measurement of actual generation in relation to potential maximum generation on an annual basis. For example, a generator with a 1 megawatt capacity operating at full capacity for a year (8,760 hours) would produce 8,760 megawatt-hours (MWh) of electricity. The generator's annual capacity factor would be 100%. NYISO, *Power Trends 2021: New York’s Clean Energy Grid of the Future*, Glossary at 49 (2021), <https://www.nyiso.com/documents/20142/2223020/2021-Power-Trends-Report.pdf/471a65f8-4f3a-59f9-4f8c-3d9f2754d7de>. For 2021, the annual capacity factor is estimated by assuming that operations will continue on trend as they have for the first half of the year.

¹⁷ EPA, *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>.

¹⁸ According to the Applicant’s recent SEC filing. Greenidge “launched a commercial data center for Bitcoin mining and blockchain services in January 2020, and as of December 31, 2020, [Greenidge] had approximately 6,900 miners.” Greenidge Generation Holdings Inc., Sec. & Exch. Comm’n, *Form S-1 Registration Statement* at 2 (Oct. 5, 2021), <https://sec.report/Document/0001193125-21-291578/>.

¹⁹ Without the full year’s data and with the operations at the power plant increasing every day, it is difficult to calculate this figure.

In the last three months of reported data (July through September) alone, the emissions nearly doubled—from 119,013 tons of carbon dioxide (“CO2”) to 203,832 tons of CO2.²⁰

Despite the obvious physical and operational changes made to the Greenidge plant to enable it to mine Bitcoin and the resulting impact on the Facility’s operations and emissions, Greenidge did not apply for DEC approval to convert its Facility to a Bitcoin mining operation. Nor does Greenidge’s 2021 air permit renewal application make any mention of its Bitcoin mining operations. Instead, its 2021 application merely declares:

“This application requests renewal of the existing permit, with only minor, non-material, revisions, which are limited to: removal of the diesel fire pump permit conditions, since the diesel fire pump has been taken out of service and removed from the Facility; and a request for minor revisions to the monitoring requirements for particulate emissions (PM-10, PM-2.5 and Particulates), which includes the use of a flowmeter for the Facility to demonstrate continuous compliance with the existing PM-10, PM2.5 and Particulates permit conditions.”²¹

Likewise, the “Permit Review Report” released by DEC along with the Facility’s draft renewal permit states that “[t]he renewal application is essentially unchanged from the existing permit,”²² and the public notice announcing release of The Applicant’s draft renewal permit declares that “[t]he Facility is a primarily natural gas-fired electric generating plant.”²³ To the contrary, the Applicant’s transition from a Facility with a primary purpose of generating limited electricity for sale on the capacity market to a facility with a primary purpose of mining Bitcoin fundamentally undermines the basis for DEC’s original 2016 decision to issue an air permit authorizing the Facility’s construction and operation.

To the contrary, the Applicant’s transition from a Facility with a primary purpose of generating limited electricity for sale on the capacity market to a facility with a primary purpose of mining Bitcoin fundamentally undermines the basis for DEC’s original 2016 decision to issue an air permit authorizing the Facility’s construction and operation.

Specifically, as discussed in more detail below, when a permitting agency determines what control options must be considered pursuant to the Clean Air Act’s BACT and LAER requirements, an agency generally only considers those options that would not “redefine the

²⁰ EPA, *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>.

²¹ ERM Consulting & Engineering, Inc. (“ERM”), *Title IV Acid Rain Permit and Title V Air Operating Permit Renewal Application*; Greenidge Generating Station; Dresden, New York, DEC ID No. 8-5736-00004, Cover Letter at 1-2 (Mar. 5, 2021).

²² DEC, *Permit Review Report, Greenidge Station, Permit ID 8-5736-00004/00017* at 2 (https://www.dec.ny.gov/docs/permits_ej_operations_pdf/greenidgepr.pdf).

²³ DEC, *Permit Documentation for Notable Projects: Greenidge Station*, Permit ID 8-5736-00004/00017 and Permit ID 8-5736-00004/00017, <https://www.dec.ny.gov/permits/123728.html>.

source.”²⁴ Since the Facility proposed by the Applicant in 2016 was intended to serve as a primarily natural-gas-fired electric generating station producing limited electricity for sale on the capacity market, DEC only considered those control options that were consistent with that purpose.²⁵ If DEC had instead been confronted with a permit application for a source with a primary business purpose of Bitcoin mining (or even a secondary purpose), DEC’s consideration of control options would have been much broader. Likewise, the SEQR analysis performed as part of the 2016 permitting process, which assumed that the Facility would not increase energy usage but would simply serve the region’s existing energy needs,²⁶ would have been substantially different if the Facility being proposed were an energy-intensive Bitcoin mining operation.

Due to the Applicant’s 2020 conversion from an electric generating station primarily producing limited electricity for sale to a Bitcoin mining operation producing power that it overwhelmingly utilizes for its own operations, DEC should not renew the Applicant’s 2016 air permit. Rather, DEC should void its prior permit issuance, including its Clean Air Act construction approval, and require Greenidge to apply for new Clean Air Act NSR and Title V air permits as though it were not yet constructed.²⁷

²⁴ *In re Pennsauken County*, 2 E.A.D. 667, 673 (EAB, Nov. 10, 1998) (explaining that BACT conditions “are not intended to redefine the source”). *See, also, e.g., In re Knaut Fiber Glass, GmbH*, 8 E.A.D. 121, 136 (EAB Feb. 4, 1999) (“... it is legitimate to look at inherently lower-polluting processes in the BACT analysis, but EPA has not generally required a source to change (i.e., redefine) its basic design.”); *In re Desert Rock Energy Co., LLC*, 14 E.A.D. 484, 526-530 (EAB, Sept. 24, 2009) (describing the concept of “Redefinition of the Source”).

²⁵ *See* Environmental Resources Management, *BACT/LAER or Emission Control Evaluation for NOx, CO, PM, PM10, PM2.5, Hazardous Air Pollutants and Greenhouse Gases, Section 3 of Application for a Title V Air Operating Permit-Supplemental Information, for Greenidge Generation LLC, Section 3* at 25 (pdf at 12) (April 2016) (“The application of BACT should consider both emission avoidance strategies (such as the use of lower emitting fuels) as well as add-on pollution control technologies, *but cannot re-define the emission source being permitted.*”) (emphasis added). *See also, id.* at 51 (pdf at 39) (rejecting carbon capture and sequestration method based on part on argument that it would “re-define the source being permitted”).

²⁶ SEQR Part 3, *Full Environmental Assessment Form Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance*, DEC Application #8-5736-00004/00001m /00016, and /00017, (June 28, 2016).

²⁷ The Applicant’s electric generating units and its Bitcoin mining equipment together qualify as a single stationary source for purposes of air permitting. “Stationary source” is defined in New York’s regulations as “[a]ny building, structure, facility or installation, excluding nonroad engines, that emits or may emit any air pollutant.” 6 NYCRR § 200.1(cd). Federal regulations define “Building, structure, facility, or installation” as “all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel.” 40 C.F.R. § 52.21(b)(6)(i). EPA has explained that even facilities with different two-digit source classifications can be part of the same “industrial grouping” where one facility serves as “support” for the other. *See, e.g.,* Letter from U.S. EPA Region 5 to Michael Valentine, Minnesota Pollution Control Agency at 2 (June 12, 1990), (<https://www.epa.gov/sites/default/files/2015-07/documents/chemolite.pdf>) (citing to the preamble to the 1980 federal PSD rules). The Applicant’s electric generating facility provides the electricity needed for its Bitcoin mining equipment, and thus, the electric generating facility plainly serves as a support facility for the Bitcoin mining facility. There is no question that these facilities are located on adjacent properties (in fact, the same property) and that they are under common control.

B. A Facility’s Purpose is Fundamental to a Permitting Agency’s Determination of Control Options for Purposes of the Clean Air Act’s New Source Review Program.

The Applicant’s fundamental change in purpose is no small matter in the Clean Air Act permitting context. In short, because the purported purpose of the originally proposed Greenidge Facility was to use natural gas to produce limited amounts of electricity to sell on the capacity market to meet limited existing electrical demand, DEC’s evaluation of the pollution control strategies available for achieving BACT-level emission limits were limited to those strategies that supported that purpose. If the Applicant had instead proposed to construct and operate a facility with the primary purpose of mining energy-intensive proof-of-work cryptocurrency 24 hours a day, 365 days per year, DEC could have considered a much broader array of control strategies, for example, by including requiring the Applicant to utilize zero-emissions fuels to generate at least a portion of the electricity needed, to engage in strategies to reduce the energy demand of its data centers, to increase the energy efficiency of its mining, or even to utilize a less energy-intensive method of mining cryptocurrency than the proof-of-work method, such as the proof-of-stake method, the federated consensus method, the proof-of-authority method, and the open representative voting method, among others. (*See* Section II(H) below.) Because the Applicant’s 2016 permit application provided no indication that the Facility would become a cryptocurrency mining operation, none of these options—or any other option designed to reduce the Applicant’s dependence on greenhouse-gas-emitting fossil fuels to mine proof-of-work cryptocurrency—were considered.²⁸

The determination of what constitutes BACT for a new major stationary source “is one of the central features of [the Clean Air Act’s] PSD program.”²⁹ To satisfy the BACT requirement, the permitting agency is required to make a case-specific determination of the emission limitations that equate to “application of control technology or methods appropriate for the particular facility.”³⁰ The Act defines BACT as follows:

²⁸ In addition, many rules and regulations governing net-metering and remote net-metering have changed since the 2016 permit was issued. *See, e.g.*, New York State Energy Research and Development Authority, Net Metering and Remote-Net Metering, <https://www.nyseda.ny.gov/researchers-and-policymakers/power-generation/net-metering-interconnection>; ConEd, *2020 Distributed Generation Winter Workshop* (2020), <https://www.coned.com/-/media/files/coned/documents/save-energy-money/using-private-generation/applying-for-interconnection/2020-winter-workshop.pdf>; N.Y. State Pub. Serv, Cmm’n, Case No. 15-E-0267, *Order Modifying Grandfathering provisions* (Sept. 14, 2017); N.Y. State Pub. Serv, Cmm’n, Case No. 15-E-0751, *Order On Standby And Buyback Service Rate Design And Establishing Optional Demand-Based Rates*, (May 16, 2019); N.Y. State Pub. Serv, Cmm’n, Case No. 15-E-0751, *Order Establishing Net Metering Successor Tariff* (July 16, 2020). DEC should also consider these changes in governing law since the 2016 permit was issued.

²⁹ *In re Prairie State Generating Company*, 13 E.A.D. 1, 7 (EAB, Aug. 24, 2006, *aff’d sub. nom Sierra Club v. U.S. EPA*, 499 F.3d 653 (7th Cir. 2007)).

³⁰ *Id.* at 12.

“The term “best available control technology” means an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this chapter emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant.”³¹

While a permitting agency has broad discretion regarding what control options it requires a PSD permit applicant to consider, “[h]istorically, EPA has not considered the BACT requirement as a means to *redefine the design of the source* when considering available control alternatives.”³² This is because BACT is a statutory requirement that applies to the “proposed facility,”³³ and EPA views the “proposed facility” as a facility consisting of those design elements that “are inherent for the applicant’s purpose.”³⁴ Accordingly, decisions by EPA’s Environmental Appeals Board (“EAB”) reflect “a central concern with preservation of a facility’s basic purpose.”³⁵

Specifically, EAB explains that in determining whether a particular control option would “redefine” a source—and therefore be inappropriate for consideration in the BACT analysis—a permitting agency “appropriately looks to how the applicant, in proposing the facility, *defines the goals, objectives, purpose, or basic design for the proposed facility.*”³⁶ According to EAB: “[T]he permit issuer must be mindful that BACT, in most cases, should not be applied to regulate the applicant’s objective or purpose for the proposed facility, and therefore, *the permit issuer must discern which design elements are inherent to that purpose, articulated for reasons independent of air quality permitting, and which design elements may be changed to achieve pollutant emissions reductions without disrupting the applicant’s basic business purpose* for the proposed facility.”³⁷ Quoting this language, EPA’s “PSD and Title V Permitting Guidance for Greenhouse Gases” further emphasized that a permitting agency should consider a proposed facility’s *purpose* when identifying available emission reduction methods and strategies for purposes of determining what constitutes BACT for a particular facility.³⁸

³¹ CAA § 169(3), 42 U.S.C. § 7479(3). See also 6 NYCRR § 231-4.1(b)(9).

³² *Prairie State* at 21 (quoting EPA’s NSR Manual at B.13) (emphasis added).

³³ 42 U.S.C. § 7475(a)(4). See *Sierra Club v. U.S. EPA*, 499 F.3d 653, 654 (7th Cir. 2007).

³⁴ *In re Desert Rock Energy Co.*, 14 E.A.D. 484, 530 (EAB Sept. 24, 2009).

³⁵ *Prairie State* at 21.

³⁶ *Prairie State* at 23 (emphasis added); see also *In re Desert Rock Energy Co.*, 14 E.A.D. at 530.

³⁷ *Prairie State* at 23 (emphasis added).

³⁸ U.S. EPA, *PSD and Title V Permitting Guidance for Greenhouse Gases* at 31 (Mar. 2011) (“EPA PSD GHG Guidance”), <https://www.epa.gov/sites/default/files/2015-08/documents/ghgguid.pdf>.

Consistent with EPA’s EAB decisions, DEC’s 2016 BACT evaluation for the Greenidge Facility considered only those control options that would be consistent with its purpose of producing limited amounts of electricity for sale on the wholesale market. In other words, DEC considered those approaches that would reduce air pollution from the process of generating electricity from natural gas or other authorized fuels. DEC did not have any occasion to evaluate the efficiency of the end-users of the electricity, because of course, the electricity was not being used by the Facility, it was only being sold. Likewise, DEC did not evaluate whether it would be feasible to generate electricity through some less-polluting means than via natural gas combustion, because that would change the facility’s fundamental purpose and basic design. Now, however, the Applicant’s fundamental purpose is no longer to combust natural gas to produce limited amounts of electricity for sale on the wholesale market. Instead, by far and away the most significant process at the facility is mining Bitcoin. That transition fundamentally altered the design and purpose of the facility, thereby invalidating DEC’s 2016 BACT determination for the facility. Given the substantial difference between the facility that DEC permitted in 2016 and the facility that is operating now, DEC should not renew the Applicant’s Title V permit.

C. The BACT Determination for the Applicant’s Proof-of-Work Cryptocurrency Mining Facility Likely Would Be Different from the BACT Determination for Its Originally-Proposed Natural-Gas-Fired Electric Generating Station Producing Electricity for the Grid.

If Greenidge had been permitted as a cryptocurrency mining operation, DEC’s BACT determination likely would have been very different. First, DEC’s BACT analysis likely would have considered the feasibility of using cleaner energy sources, at least in part, to generate the electricity needed for cryptocurrency mining. As explained above, the options available for consideration as BACT change, depending upon the applicant’s purpose in constructing the facility. For electric generating facilities like the one originally proposed by the Applicant, EAB explains that requiring such a facility to utilize a different fuel than the one proposed by the applicant would typically be viewed as a redefinition of the proposed source, and therefore, inappropriate as a BACT option.³⁹ For example, “a proposal to construct a coal-fired power plant or boiler . . . need not consider the alternative of a natural gas-fired unit as part of the BACT determination, even though a natural gas unit would be inherently less polluting than the coal-fired unit.”⁴⁰ Thus, in considering BACT options pertaining to the Applicant’s 2016 proposal to construct and operate a natural-gas-fired electric generating station that would produce limited amounts of electricity for New York’s electrical grid, DEC would not have considered requiring Greenidge to instead produce electricity, in whole or in part, or utilize renewable energy sources such as wind and solar. Excluding consideration of such “clean fuels” would have been unjustified if Greenidge had instead proposed to construct and operate a facility primarily engaged in Bitcoin mining, since the primary business purpose of such a facility would be to mine Bitcoins, not to produce electricity.

³⁹ *In re Northern Michigan University*, PSD Appeal No. 08-02, 301-02 (EAB Feb. 18, 2009) (explaining that the purpose-based test “shields from BACT review fuel choices found ‘integral’ to the basic design,” e.g., “[p]roposed coal-fired electric generators need not consider a natural gas turbine.”).

⁴⁰ *In re Knauf Fiber Glass*, 8 E.A.D. 121, 136 (EAB Feb. 4, 1999).

Second, if Greenidge had applied to construct an energy-intensive proof-of-work cryptocurrency mining facility, the BACT analysis would have needed to consider the possibility that the facility could use lower-emitting “production processes.”⁴¹ As explained in U.S. EPA’s NSR Workshop Manual, “[a] production process is defined in terms of its physical and chemical unit operations used to produce the desired product from a specified set of raw materials.”⁴² In the original permitting action, the BACT analysis necessarily focused on techniques for reducing emissions from electric generation, since the Facility’s “product” was electricity to be sold on the wholesale market. Now, though the Facility’s emissions primarily come from the electric generating units, these units are no longer free-standing, but are instead part of the Bitcoin mining process. Bitcoin has now become the Facility’s “product,” and it is the Bitcoin production process that uses energy and produces air pollution. Thus, DEC’s BACT analysis for the Bitcoin operation would necessarily include consideration of lower-emitting processes for producing Bitcoin—or, more generally, lower-emitting processes for producing cryptocurrency. In addition to the express statutory and regulatory language requiring consideration of lower-emitting “production processes” as part of the BACT analysis, EPA’s “PSD and Title V Permitting Guidance for Greenhouse Gases,” confirms that DEC has discretion “to evaluate BACT on a facility-wide basis by taking into account operations and equipment which affect the environmental performance of the overall facility.”⁴³ Specifically, EPA’s GHG PSD Guidance explains that for “a new greenfield facility,” energy efficiency options include those that “improv[e] the utilization of thermal energy and electricity that is generated and used on site.”⁴⁴ Thus, EPA:

“recommends that permitting authorities consider technologies or processes that not only maximize the energy efficiency of the individual emitting units, but also process improvements that impact the facility’s energy utilization assuming it can be shown that efficiencies in energy use by the facility’s higher-energy-using equipment, processes or operations could lead to reductions in emissions from the facility.”⁴⁵

Accordingly, if the Applicant had proposed construction of a proof-of-work cryptocurrency mining operation, it plainly would have been appropriate for DEC to consider as part of its BACT determination methods for reducing the energy demand from the Facility’s proof-of-work cryptocurrency mining operation. For example, if the Applicant were to instead utilize the “proof-of-stake” process for mining cryptocurrency (just one of many alternatives described in Section II(H) below), the Facility would consume up to 99% less energy than it

⁴¹ 42 U.S.C. § 7479(3) (defining BACT as including lower-emitting “production processes”). 6 NYCRR § 231-4.1(b)(9) (same). See also *In re Knauf Fiberglass*, 8 E.A.D. at 136 (observing that “[t]he permitting authority may require consideration of alternative production processes in the BACT analysis when appropriate.”).

⁴² U.S. EPA, *Draft NSR Workshop Manual* at B.13-14 (1990), <https://www.epa.gov/sites/default/files/2015-07/documents/1990wman.pdf>.

⁴³ EPA PSD GHG Guidance at 23 (emphasis added).

⁴⁴ *Id.* at 30.

⁴⁵ *Id.*

currently uses in its “proof-of-work” Bitcoin mining operation.⁴⁶ No such considerations were ever brought to bear on the Applicant’s Bitcoin mining operations because the Applicant’s 2016 application made no mention of Bitcoin mining.⁴⁷

In sum, if the Facility has been permitted as a proof-of-work cryptocurrency mining facility, DEC’s BACT evaluation would have been much more far-reaching and would have necessarily considered production processes and clean fuels that could have greatly reduced the Facility’s air pollution. DEC should not allow Greenidge to circumvent the Clean Air Act’s NSR program by operating an energy-intensive, highly polluting Bitcoin facility pursuant to a NSR permit for an electric generating station. Rather, DEC must deny Greenidge’s application to renew its 2016 air permit and instruct the Applicant that to continue operating, it must apply for and obtain a new construction and operating permit that reflects its primary purpose as a Bitcoin mining facility.

D. Due to the Conversion from an Electric Generating Station to a Proof-of-Work Cryptocurrency Mining Operation, DEC Must Not Only Refuse to Renew the Applicant’s Air Permit, But Also Revoke the Original 2016 Permit.

Under New York’s Uniform Procedures at 6 NYCRR part 621, a permit may be “modified, suspended, or revoked at any time” based on grounds specified in Section 621.13(a). In relevant part, these grounds include:

“(1) [M]aterially false or inaccurate statements in the permit application or supporting papers; . . . (3) exceeding the scope of the project as described in the permit application; . . . (4) newly discovered material information . . .”⁴⁸

Because Greenidge’s original 2016 permit application sought approval to construct and operate an electric generating facility intended to produce electricity for the wholesale market, and the Applicant has now converted the Facility to primarily a Bitcoin mining operation without any change to its permit or update to its permit application information, DEC should not only refuse to renew Greenidge’s air permit, but it should revoke the original 2016 permit authorizing the Facility’s construction and operation. As explained above, by applying for and obtaining its Clean Air Act permit on the basis that it would be operating a standard electric generating facility intended to sell electricity to the grid, and then switching its primary purpose to Bitcoin mining, Greenidge undermined the Clean Air Act’s NSR procedures.

⁴⁶ See, e.g., NBC News, *Cryptocurrency goes green: Could ‘proof of stake’ offer a solution to energy concerns?* (May 25, 2021), <https://www.nbcnews.com/tech/tech-news/cryptocurrency-goes-green-proof-stake-offer-solution-energy-concerns-rcna1030>; Digiconomist, *Bitcoin Energy Consumption Index* (2021), <https://digiconomist.net/Bitcoin-energy-consumption/>; Carl Beekhuizen, *A country’s worth of power, no more!*, Ethereum Foundation Blog (May 18, 2021), <https://blog.ethereum.org/2021/05/18/country-power-no-more/>.

⁴⁷ Greenidge Air Permit Application, DEC ID 8-5736-00004 at 2 (Mar. 14, 2016).

⁴⁸ 6 NYCRR § 621.13(a).

This is exactly the circumstance under which a permit should be revoked pursuant to 6 NYCRR Section 621.13(a). The Applicant's conversion to primarily a Bitcoin mining facility renders statements in the 2016 permit application and supporting papers indicating that the Facility would primarily be a natural-gas-fired generating station "inaccurate." Likewise, the Applicant's expansion of its purposes to encompass Bitcoin mining "exceed[s] the scope of the project as described in the [2016] permit application." And certainly, the extent to which Bitcoin mining has overtaken the Facility's original design as an electric generating station producing electricity for sale on the wholesale market constitutes "newly discovered material information." Accordingly, pursuant to its authority under 6 NYCRR Section 621.13(a), DEC should not renew the 2016 Title V permit, but should instead revoke the original 2016 permit and its accompanying NSR construction authorization. DEC should require the Applicant to cease operations unless and until it obtains new Title V and NSR permits that specifically authorize the Facility's operation for the purpose of Bitcoin mining.

E. Due to the Applicant's Failure to Describe the Material Changes to its Activities in Its Clean Air Act Permit Renewal Application, DEC Should Not Allow Greenidge to Continue Operating Pursuant to Its Expired Permit Under the Permit Application Shield.

Under Section 401(2) of the State Administrative Procedure Act, a permittee that has submitted a timely and "sufficient application for renewal" of a permit may continue operating under the terms of its permit even after the permit's listed expiration date until such time as DEC makes a final decision on the permittee's renewal application. The term "sufficient application for renewal" is defined at 6 NYCRR 621.2(ad) as an application that, among other things, includes "identification of any material changes in regulated operations."

As discussed above, the 2021 air permit renewal application says absolutely nothing regarding its conversion of the Facility to a proof-of-work cryptocurrency mining operation where the Facility runs 24 hours a day. Given the emissions increase resulting from this fundamental change to the Facility's purpose and operations, as well as the impact that the implications that this change has for the validity of DEC's prior BACT and SEQR determinations, this change constitutes a "material change[]" in regulated operations." Accordingly, the Applicant's failure to identify this change in its renewal application renders its application insufficient, and DEC should not allow the Facility to continue operating under its now-expired air permit.

F. The Applicant's Construction of Its New Data Facility and Commencement of Proof-of-Work Cryptocurrency Mining Activities, Without First Obtaining a New Source Review Permit Authorizing Such Major Modification, Violated the Clean Air Act.

Because Bitcoin-related changes at the Facility constitute material physical changes and significant changes in the method of operations at the Facility that increase air emissions, DEC must require the application of special permitting rules for plant modifications.

New York regulations include New Source Review, or NSR, for new and modified facilities.⁴⁹ These rules apply to modifications, defined as any physical change in, or change in the method of operation of, a facility which results in a level of annual emissions in excess of the baseline actual emissions of any regulated NSR contaminant.⁵⁰ In particular, an NSR major modification is any modification of a major facility that would equal or exceed the applicable significant project threshold of a regulated NSR contaminant and would result in a significant net emissions increase of that contaminant.⁵¹

Regulated NSR contaminants include, among other pollutants, nitrogen oxides (NO_x).⁵² Carbon dioxide equivalents (CO₂e) are NSR-regulated if a major facility triggers review for another pollutant and has an emissions increase for CO₂e of 75,000 tons per year or more.⁵³

New York regulations describe how to determine whether an emissions increase triggers an NSR modification. A “net emission increase” includes increases from the project emission potential of the modification, among other things.⁵⁴ The project emission potential, for existing sources at existing facilities, is the difference between the baseline actual emissions and the projected actual emissions of the sources.⁵⁵ Baseline actual emissions are the rate of emissions in tons per year of a regulated NSR contaminant during a baseline period, measured by continuous emission monitors or other methods.⁵⁶ The baseline period is any twenty-four consecutive months in the five years preceding various dates specified in the rule, except that “for a facility which fails to submit a permit application for a NSR major modification and begins actual construction of such modification, the department will determine an appropriate baseline period.”⁵⁷

As noted, the Facility’s emissions potential depends in part on the projected actual emissions after the project is completed. Under the rules, projected actual emissions are the maximum annual rate, in tons per year, at which an existing emission source is projected to emit a regulated NSR contaminant in any one of the five years (12-month period) following the date the source commences operation after a modification.⁵⁸ A source must consider any one of the 10 years following that date if the project involves increasing the emission source’s design capacity or its potential to emit that regulated NSR contaminant and full utilization of the emission source would result in exceeding the applicable significant project threshold in Subpart 231-13 or a significant net emissions increase at the major facility.⁵⁹ Among other

⁴⁹ 6 NYCRR Part 231.

⁵⁰ *Id.* at 231-4.1(b)(30).

⁵¹ *Id.* at 231-4.1(b)(33).

⁵² *Id.* at 231-4.1(b)(45).

⁵³ *Id.* at 231-4.1(b)(45, 50).

⁵⁴ *Id.* at 231-4.1(b)(31).

⁵⁵ *Id.* at 231-4.1(b)(41).

⁵⁶ *Id.* at 231-4.1(b)(4)(i)(b). DEC has the discretion to determine limits and/or constraints under this provision or elsewhere in the regulation. 6 NYCRR 231-4.1(b)(7). *See also* DEC, *Part 231, NSR Implementation Guidance* at <https://www.dec.ny.gov/chemical/63377.html>.

⁵⁷ *Id.* at 231-4.1(b)(7)(v).

⁵⁸ *Id.* at 231-4.1(b)(42).

⁵⁹ *Id.*

criteria, a source may exclude, in calculating any increase in emissions that results from the particular project, that portion of the emission source's emissions following the project that the existing emission source could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project.⁶⁰ Finally, the owner or operator of the facility may elect to use the potential to emit of the emission source(s), in tons per year.⁶¹

NSR major modifications are those modifications that, among other things, result in a significant net emission increase.⁶² This is defined as a net emission increase of a regulated NSR contaminant at an existing major facility located in an attainment area or unclassifiable area that equals or exceeds the applicable significant net emissions increase threshold.⁶³ For NOx, this threshold is forty tons per year.⁶⁴

The Facility has recently made wide-ranging changes as part of its switch to Bitcoin mining, including but not limited to, the changes as described recently by the Torrey Planning Board:

“The Project includes installation of a data processing facility together with the associated site improvements (grading and roads). The data processing facility will be made up of 4 structures each built on a concrete slab. Each structure will house computer processing and networking equipment (equipment only) for data processing functions. Electrical equipment will be installed (overhead and underground) including poles, transformers, and other associated equipment, that connects the data processing facility to the Greenidge Generating Facility. The total project area is 1.3 acres including roads. Power for this data processing will be the onsite Greenidge Generating Facility. A stormwater management system will also be installed as part of this project. Construction is anticipated to begin in the fall of 2020.”⁶⁵

Additionally, the Applicant has described the project as increasing Bitcoin-mining-related plant output from zero megawatts in 2018 to 132,215 megawatts in 2020.⁶⁶ In an announcement in March 2021, Greenidge predicted its mining operation would more than double by the end of the year to 45MW, and increase to 85MW by the end of 2022, to finally 95MW with the

⁶⁰ *Id.* at 231-4.1(b)(42)(i)(C).

⁶¹ *Id.* at 231-4.1(b)(42)(ii).

⁶² *Id.* at 231-4.1(b)(33).

⁶³ *Id.* at 231,4-1(b)(47).

⁶⁴ *Id.* at 231-13, Tbl. 6.

⁶⁵ Town Planning Board, Town of Torrey, *Conditioned Negative Declaration* (Nov. 17, 2020), [PB Final SEQRA_11162020.pdf \(treichlerlawoffice.com\)](#).

⁶⁶ Letter from ERM to NYSDEC, Response to NYSDEC Request for Additional Technical Information & Suspension of Time Frame Request: Greenidge Generation LLC's Greenidge Generating Station DEC ID No. 8-5736-00004/00016 and 00017, Tbl. 6 at 12 (Aug. 2, 2021) (“ERM Letter to DEC”). Although this table is labeled “Megawatts”, it shows output to the grid and to Bitcoin, and appears to refer to megawatt hours.

addition of new miners once incorporated.⁶⁷ A recent announcement boasted of future tripling of Bitcoin miners and quadrupling of computational capacity at Greenidge.⁶⁸

The changes at the power plant to mine Bitcoin involve many physical changes, which also change the method of the Applicant's operations. Further, the Applicant is fundamentally changing its method of operation from a power plant that primarily sells electricity to the grid to a plant that primarily "mines" Bitcoin. Thus, the modification to Bitcoin-related power generation is both a physical change and a change in the method of operation under New York NSR regulations.⁶⁹

The Facility's operations will result in a significant net emission increase in GHG emissions and local air emissions. The applicable threshold is 40 tons per year of NOx and, if this threshold is met, an additional threshold of 75,000 tons per year of CO₂e. Given that Greenidge has not submitted an application for NSR modification, and has begun construction of Bitcoin operations, DEC's own regulations allow DEC to determine the baseline period against which emission increases may be measured.⁷⁰ A baseline for ozone- and smog-forming NOx emissions for the two years preceding the beginning of Bitcoin mining at Greenidge of 2018 (94 tons) and 2019 (7.9 tons) would support a finding of a significant net emissions increase if NOx emissions increased just 40 tons per year or more from the Bitcoin mining operations. For CO₂, emissions have increased to over 200,000 tons per year in 2020 (228,303 tons) and 2021 (203,832) from much lower levels during 2018 (119,304 tons) and 2019 (39,405 tons). This increase in post-Bitcoin emissions well exceeds the 75,000 tons per year threshold.

Further, DEC should review whether Bitcoin-mining-related emissions of NOx and CO₂e will lead to emissions exceeding emission limits for the plant, as annual NOx emissions in 2017 of 170 tons already exceeded the annual NOx permit limit of 153.9 tons. For CO₂e, at full plant capacity and including upstream emissions, plant emissions could be over 1,127,061 short tons of CO₂e per year.⁷¹ For either pollutant, DEP should require the applicant submit an application for a major modification request as a result of the Facility's material change in operations.

⁶⁷ Support.com, *Merger Announcement* at 6-7 (Mar. 22, 2021), <https://www.support.com/wp-content/uploads/2021/07/Greenidge-SPRT-Merger-Announcement-032221-FINAL.pdf>. See also Greenidge Generation Holdings Inc., Sec. & Exch. Comm'n, *Form S-1 Registration Statement* (Oct. 5 2021), <https://sec.report/Document/0001193125-21-291578/> ("Our primary business objective is to grow revenue by (i) executing our plan to increase bitcoin mining capacity at our current plant to approximately 85 MW..."); *Id.* at 3 ("With the full deployment of these new [additional 11,500 S19j Pro Bitmain Antminers] miners, our total fleet is expected to comprise approximately 32,500 total miners and is expected to utilize approximately 95 MW of electricity."), <https://sec.report/CIK/0001844971>.

⁶⁸ Greenidge Generation, LLC, *GREE Earnings Release* (Nov. 15, 2021), https://greenidge.com/wp-content/uploads/2021/11/GREE-3Q21-Earnings-Release_11.15.2021.pdf.

⁶⁹ 6 NYCRR § 231-4.1(b)(30).

⁷⁰ *Id.* at 231-4.1(b)(7)(v).

⁷¹ CO₂e includes emissions of CO₂, CH₄, and N₂O, calculated by applying Tier 1 calculations and default fuel characteristics from 40 C.F.R. § 98.33, annual average fuel consumption at Greenidge from 2019 (11,240 scf/MWh), 8,760 operating hours per year, 106 MW capacity, and a leak rate for upstream emissions of 3.5%.

II. THE APPLICANT’S PERMIT MUST BE DENIED BECAUSE IT IS INCONSISTENT WITH THE CLCPA AND WOULD INTERFERE WITH THE ATTAINMENT OF STATEWIDE GREENHOUSE GAS EMISSION LIMITS.

DEC must deny the Permit because the enormous increase in emissions from the Facility’s material change in operations to mine proof-of-work cryptocurrency 24 hours a day, 365 days per year is wholly inconsistent with the CLCPA. Under Section 7(2) of the CLCPA, DEC is required to undergo a decision-making process in three main steps.⁷² First, DEC must consider whether a permit is inconsistent with or has the potential to interfere with the attainment of the Statewide GHG emission limits. Second, should the issuance of a Title V permit be deemed inconsistent with or found to potentially interfere with the Statewide GHG emission limits, then DEC must also provide a detailed statement of justification for the Project notwithstanding the inconsistency. Third, in the event a sufficient justification is available, DEC would need to identify alternatives or GHG mitigation measures sufficient to ameliorate the impacts of the GHG emissions from the Facility. The Applicant cannot meet any of these three prongs. DEC Commissioner Seggos recognized these deficiencies in his recent statement that “Greenidge has not shown compliance with NY’s climate law.”⁷³

A. The Significant Increase in GHG Emissions from the Facility’s Change in Operations to Mine Bitcoin Is Inconsistent with the CLCPA.

Recognizing that “[c]limate change is adversely affecting economic well-being, public health, natural resources, and the environment of New York,” the state legislature enacted the CLCPA to strengthen New York’s statewide mandates for both emissions reductions and requiring the accelerated adoption of renewable energy generation sources.⁷⁴ The CLCPA mandates that New York obtain 70% of its power from renewable energy resources by 2030⁷⁵ and a zero-emissions electricity sector by 2040.⁷⁶ Across all sectors, the CLCPA limits GHG emissions to 60% of 1990 levels by 2030 and 15% of 1990 emissions by 2050.⁷⁷

The CLCPA’s aggressive GHG emissions reduction targets are on a short timeline, requiring immediate reductions rather than allowing additional emissions. As discussed more fully below in Section II(C), the Facility’s increased fossil-fuel generation and a permit allowing 641,878 tons of GHG emissions annually is inconsistent with the CLCPA and

⁷² See DEC’s Testimony before the N.Y. State Assembly, *Cryptocurrency Mining and the Climate Leadership and Community Protection Act* (Oct. 27, 2021) (“DEC’s Cryptocurrency Testimony”), https://www.dec.ny.gov/docs/administration_pdf/cryptocurrency.pdf; DEC, *Notice of Denial of Title V Air Permit, Astoria Gas* at 2 (Oct. 27, 2021) https://www.dec.ny.gov/docs/administration_pdf/nrgastoriadecision10272021.pdf (“Astoria Title V Permit Denial”).

⁷³ Twitter, DEC Commissioner Basil Seggos (Sept. 8, 2021), <https://twitter.com/basileggos/status/1435724739352449025>.

⁷⁴ CLCPA § 1.

⁷⁵ N.Y. P.S.L. § 66-p(2). The CLCPA also establishes specific benchmarks for the adoption of renewables, including nine gigawatts of offshore wind by 2035, six GW of solar by 2025, and three GW of energy storage by 2030. N.Y. E.C.L. § 75-0103(13)(e).

⁷⁶ N.Y. P.S.L. § 66-p(2).

⁷⁷ N.Y. E.C.L. §§ 75-0107(1).

frustrates efforts to reduce state GHG emissions and the effort to transition to a zero-emissions electricity sector.

The CLCPA also requires upstream emissions from a fossil fuel-fired electric generating facility to be included in the calculation of GHG emissions.⁷⁸ Upstream emissions include “greenhouse gases produced outside of the state that are associated with the generation of electricity imported into the state and the extraction and transmission of fossil fuels imported into the state.”⁷⁹ Historically, upstream emissions make up around 30–40% of sectoral emissions for electricity generation.⁸⁰ As discussed below in Section II(C), the Applicant has not made an adequate showing that its upstream emissions are consistent with the CLCPA.

DEC “recognizes that it is critical to consider our next steps on cryptocurrency mining in the broader context of the CLCPA and how it will impact our ability to meet our emission reduction requirements and clean energy goals.”⁸¹ The insatiable energy appetite of proof-of-work cryptocurrency mining, and the significant increase of GHG emissions from that mining when burning fossil fuels, at a time when New York State requires an overall reduction in emissions is simply not compliant with the CLCPA.⁸²

B. DEC Must Apply CLCPA Section 7 Analysis to This Permit Application.

DEC is required to undertake a CLCPA analysis for all permits it issues, to determine whether its decision to issue the permit is consistent with the CLCPA’s requirements to rapidly slash GHG emissions and prioritize protecting disadvantaged communities from the effects of GHG and co-pollutant emissions. There is no exception in the statute for permit renewals or modifications. Section 7 of the CLCPA requires that state agencies “in considering and issuing permits, licenses, and other administrative approval and decisions” must apply the terms of the CLCPA.

The drastic reductions required under the CLCPA will not come from permitting decisions on new polluting facilities, or major modifications alone. Existing facilities must

⁷⁸ The CLCPA requires accounting of GHG emissions associated with the extraction and transmission of fossil fuels imported into the state using a 20-year time horizon. This form of net accounting necessitates using upstream fossil fuel cycle factor data that cover extraction, processing and transmission/distribution of natural gas, coal, and petroleum into the state. 6 NYCRR § 496.4; *See also* N.Y. E.C.L. § 75-0105(3); Astoria Title V Permit Denial at 5.

⁷⁹ N.Y. E.C.L. § 75-0101(13).

⁸⁰ N.Y. State Climate Action Council, July 22, 2021 Meeting Presentation at 27, <https://climate.ny.gov/-/media/Migrated/CLCPA/Files/2021-07-22-CAC-Meeting-Presentation.ashx>.

⁸¹ DEC’s Cryptocurrency Testimony at *2.

⁸² For example, in Danskammer’s Title V Permit Denial, DEC stated, “While achieving the Statewide GHG emissions limits requires an overall reduction in GHG emissions from current levels, the Project itself would result in a substantial increase in GHG emissions from just this one single GHG emission source in 2030.” DEC, *Notice of Denial of Title V Air Permit, Danskammer Energy Center* at 9 (Oct. 27, 2021), https://www.dec.ny.gov/docs/permits_ej_operations_pdf/danskammerdecision102721.pdf. Here, Greenidge would be seeking to substantially increase GHG sources from one plant, for one purpose—to mine Bitcoin—at absolutely no benefit to the public.

also reduce their emissions as well. The CLCPA's mandatory emission reductions, under DEC regulations, limit statewide emissions in 2030 to no more than 245.87 million metric tons of CO₂ equivalent,⁸³ from an estimated 348 million metric tons in 2015,⁸⁴ and facilities that currently hold air permits contribute substantially to the total emissions. Thus, the requirements of the CLCPA apply to DEC's review of the draft permit here. DEC's Commissioner has confirmed that when publishing the draft permit: "@NYSDEC wants comments on the proposal's compliance with NY's climate law #CLCPA."⁸⁵

C. The Facility's Material Change of Operations Has Resulted in Increased GHG Emissions.

As DEC recently testified before the State Assembly: "New York State is at a vital point in its energy transition, and significant growth of this type of energy intensive industry will create additional pressures on the ability to meet the ambitious and necessary requirements of the CLCPA."⁸⁶

As the table on page 4 shows, the Facility's GHG emissions are now an order of magnitude above the Facility's emissions even after its reactivation in 2016, when it provided limited service to the grid for a few years. Today, the GHG emissions at the Facility are skyrocketing, and the Applicant is ramping up operations every day.⁸⁷ According to Applicant's emissions reporting to DEC, there was an approximately ten-fold increase in GHG emissions just in 2020.⁸⁸ The Applicant's 2020 emissions were that high even though the Facility was only operating at approximately 17% of its total capacity. For comparison, the Facility's emissions in 2020 equaled the amount of emissions of an additional 51,027 passenger vehicles on the road for one year.⁸⁹

In just the first six months of 2021, after operating around the clock, the Facility's GHG emissions matched the entire year's worth of emissions from 2018. And as noted above, in just the last three months of reported data alone (July through September 2021), the Facility's emissions nearly doubled—from 119,013 tons of CO₂ to 203,832 tons of CO₂.⁹⁰

⁸³ 6 NYCRR Part 496.5.

⁸⁴ *Id.*

⁸⁵ DEC Commissioner Basil Seggos, @BasilSeggos, Twitter, (Sept. 8, 2021), <https://twitter.com/basilseggos/status/1435724739352449025>.

⁸⁶ DEC's Cryptocurrency Testimony at *2.

⁸⁷ See Peter Mantius, *NASDAQ Market Goes Wild Over Greenidge's Plan to Go Public, Expand Bitcoin Mining 25-Fold*, Water Front Online (Mar. 22, 2021), <https://waterfrontonline.blog/2021/03/22/nasdaq-market-goes-wild-over-greenidges-plan-to-go-public-expand-Bitcoin-mining-25-fold/>.

⁸⁸ Greenidge Generation LLC, *2020 Annual Compliance Certification Report to DEC* (1 Jan. 2020 through Dec. 2020); Greenidge Generation LLC, *2020 Semi-Annual Compliance Certification Report to DEC* (1 July 2020 through 31 Dec. 2020).

⁸⁹ See EPA, *Greenhouse Gas Equivalencies Calculator* (updated March 2021), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

⁹⁰ EPA, *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>.

The draft permit would allow 641,878 tons of carbon dioxide equivalent (“CO₂e”). In comparison, before retiring as a coal plant, Greenidge emitted 455,795 tons of CO₂ in 2009 and 599,105 tons of CO₂ in 2010. This Facility should not be permitted to pollute as much as or even more than it was emitting as a coal-fired power plant.

i. The Facility’s Increase in Emissions Will Interfere with the State’s Transition to a Zero-Emissions Electricity Sector.

Recently, forty-five state legislators sent a letter stating:

“We cannot meet these critical CLCPA goals to break our current dependency on fossil fuels as a state if we are simultaneously significantly increasing our total state energy consumption from fossil fuel sources.”⁹¹

The State must ensure a substantial *decrease*—not increase—in fossil-fueled power generation. Existing fossil resources must retire and/or significantly curb generation to meet the CLCPA’s 2030 requirements.⁹² Allowing increased emissions from the Facility is flatly incompatible with a zero-emission electricity sector because gas plants emit both GHGs and co-pollutants, including nitrogen oxides (NO_x).⁹³ Ultimately, allowing a gas plant that was once retired to significantly increase its air pollution and GHG emissions, just as the State’s renewable energy needs become most acute, makes it more—rather than less—difficult to achieve the 2040 zero-emissions electricity mandate.

As DEC has recently acknowledged:

“To achieve the State’s climate change and clean energy policies as outlined in the CLCPA, the State needs to continue to accelerate its ongoing transition away from natural gas and other fossil fuels. . . . The continued long-term use of fossil fuels to produce electricity . . . is inconsistent with the State’s laws and objectives, including the statutory requirement that all electricity in the State be emission-free by 2040.”⁹⁴

Any increase in fossil-fueled power generation is, by definition, inconsistent with the CLCPA. Any additional GHG emissions from the burning of fossil fuels will frustrate efforts to reduce state GHG emissions as well as the transition to a zero-emissions electricity sector by 2030—in 9 short years.

⁹¹ Letter from Assembly Member Anna R. Kelles & State Senator Kevin S. Parker et al. to Gov. Kathy Hochul & DEC Commissioner Basil Seggos, re: Greenidge Generating Station (Oct. 6, 2021).

⁹² See CLCPA § 7.

⁹³ EPA air emissions data reflecting the Applicant’s 2020 emissions at 50 tons of NO_x and 282,303 short tons of CO₂. EPA’s *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>.

⁹⁴ Astoria Title V Permit Denial at 11.

The Applicant, while recognizing the State’s ‘zero emissions by 2040’ mandate, provides no information detailing how they seek to achieve such goals. Rather, Applicant merely states that “the company will of course strive to comply with the zero-emission goal established for the entire statewide energy sector by 2040.”⁹⁵ Yet the draft permit allowing 641,878 tons of GHGs per year is plainly inconsistent with the CLCPA.⁹⁶

DEC recently denied a Title V air permit for the repowering of a gas peaker plant in Astoria, Queens, New York that has a very similar GHG emissions profile as here—the proposed permit sought permission to emit 716,520 tons per year of GHGs.⁹⁷ The Astoria air permit was denied in part because the application did not include “a specific plan in place to comply with the requirements of the [CLCPA]”⁹⁸ The Applicant’s draft permit must also be rejected under Section 7(2) of the CLCPA. Any substantial increases in GHG emissions are inconsistent with the CLCPA’s statutory mandate.

If upstream emissions and methane leaks are included in the calculations, if the Facility ran at full capacity, projected emissions would be even greater—up to 1,127,061 short tons of CO₂e per year.⁹⁹ This provides another useful emission profile comparison to a recently denied Title V Air Permit -- Danskammer Energy, LLC applied for a Title V air permit for a proposed repowering of a 536 MW natural gas-fired generation facility located in Newburgh, New York.¹⁰⁰ In assessing Danskammer’s GHG emissions, DEC noted that their proposed emissions, including upstream values, were around 1.085 million short tons of CO₂e and that emissions of this amount fundamentally “constitute a substantial and direct source of new GHG emissions in the state. As a result . . . the Project is inconsistent with or would interfere with the attainment of the Statewide GHG emission limit for 2030.”¹⁰¹ The same determinations, for the same level of emissions, need to be made with this draft permit.

The business model at Greenidge may be one of the first of its kind, but it certainly will not be the last. As a recent letter from state legislators to Governor Hochul and DEC points out: “There are 30 retired plants in upstate NY and 19 in NYC and Long Island that could be targeted for future [proof-of-work] cryptocurrency mining sites.”¹⁰² As just one example, Digihost International Inc. and Fortistar North Tonawanda Inc. also seek to materially change

⁹⁵ ERM, Greenidge Generation LLC’s Greenidge Generating Station, *Response to NYSDEC Request for Additional Technical Information & Suspension of Time Frame Request* at 9 (Aug. 2, 2021) (“ERM Letter to DEC”), https://www.dec.ny.gov/docs/permits_ej_operations_pdf/greenidgeclcpaassmnt.pdf.

⁹⁶ Astoria Title V Permit Denial at 11.

⁹⁷ AECOM, *Draft Supplemental Environmental Impact Statement: Astoria Replacement Project* at 3-18 tbl.3.1-6: Project & Facility Potential Annual Emissions (June 2021), https://www.nrg.com/assets/documents/legal/astoria/00_2021/astoria-draft-dseis-06-30-2021.pdf.

⁹⁸ *Id.* at 7.

⁹⁹ CO₂e includes emissions of CO₂, CH₄, and N₂O, calculated by applying Tier 1 calculations and default fuel characteristics from 40 C.F.R. § 98.33, annual average fuel consumption at Greenidge from 2019 (11,240 scf/MWh), 8,760 operating hours per year, 106 MW capacity, and a leak rate for upstream emissions of 3.5%.

¹⁰⁰ DEC, *Notice of Denial of Title V Air Permit, Danskammer Energy Center* at 9 (Oct. 27, 2021), https://www.dec.ny.gov/docs/permits_ej_operations_pdf/danskammerdecision102721.pdf.

¹⁰¹ Danskammer Title V Permit Denial at 8.

¹⁰² Letter from Assembly Member Anna R. Kelles & State Senator Kevin S. Parker et al. to Gov. Kathy Hochul & DEC Commissioner Basil Seggos, re: Greenidge Generating Station (Oct. 6, 2021).

the operations at a power plant in the City of North Tonawanda to mine proof-of-work cryptocurrency—seeking approval at the Public Service Commission,¹⁰³ and seeking a Title V Air permit.¹⁰⁴ There are also several power plants in the State using hydroelectric energy generation to mine proof-of-work cryptocurrency.¹⁰⁵

In March of this year, Gavin Donohue, the President and CEO of the Independent Power Producers of New York (IPPNY), penned an opinion in the Albany Times Union wherein he described the Facility’s conversion to proof-of-work cryptocurrency mining at a fossil-fueled power plant as a “model for innovation.”¹⁰⁶ New York State and DEC cannot greenlight such operations in contravention of the CLCPA.

In addition, granting the renewed permit would interfere with the achievement of a net zero electric sector because it increases New York’s dependence on fracked gas resources for capacity generation. New York State currently generates more than half of its capacity basis from gas plants.¹⁰⁷ Without a focus now on meeting the 2030 mandate, the State risks retaining and installing more gas capacity than could possibly run—and less renewable capacity than the State must run—to achieve a minimum of 70% renewable generation and ensure that overall statewide emission reductions reach 40% by 2040.

ii. Cumulative Emissions from the Material Changes at the Facility Are Inconsistent with the CLCPA and Would Interfere with Statewide GHG Emissions Limits.

On a cumulative basis, under the emissions limit in the draft permit—641,878 tons of CO₂e per year, the material change in the Applicant’s use of the power plant will directly result in:

- 5,776,902 tons of CO₂ emissions for the years 2022-2030; and
- 10,911,926 tons of CO₂ emissions for the years 2023-2039.

¹⁰³ N.Y. Public Serv. Comm’n, *Petition of Fortistar North Tonawanda Inc. & Digihost Int’l Inc. for a Declaratory Ruling*, Case No. 21-M-0238, <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=21-M-0238&CaseSearch=Search>.

¹⁰⁴ NAES, *Title V and Title IV Permits Renewal Application of Fortistar North Tonawanda Cogeneration Facility*, 1070 Erie Ave, North Tonawanda, NY 14120, Title V Permit ID: 9-2912-00059/00013, Title IV Acid Rain Permit ID: 9-2912-00059/00016, Facility DEC ID: 929120000 (Apr. 21, 2021), submitted to and on file with the New York State Department of Environmental Conservation (NYSDEC), Regional Permit Administrator, Region 9 Headquarters, Division of Environmental Permits, 270 Michigan Avenue, Buffalo, NY 14203-2915).

¹⁰⁵ See, e.g., Coinmint, *Inside the Massive Crypto-Mining Plant in Massena, N.Y.* [video] (Feb. 2019) <https://www.youtube.com/watch?v=qa90X3pkAQ8>.

¹⁰⁶ Gavin Donohue, *There’s a Role for Natural Gas in the Renewable Energy Future*, Albany Times Union (Mar. 2, 2021) <https://www.timesunion.com/opinion/article/There-s-a-role-for-natural-gas-in-the-15993563.php>.

¹⁰⁷ See U.S. Energy Info. Admin., *N.Y. State Profile and Energy Estimates*, <https://www.eia.gov/state/analysis.php?sid=NY#20>.

Using instead the estimated combined plant and upstream emissions of 1,127,061 metric tons of CO₂e per year,¹⁰⁸ on a cumulative basis, the material change in the Applicant’s use of the power plant will directly result in:

- 10,143,549 metric tons of CO₂e emissions for the years 2022-2030; and
- 19,160,037 metric tons of CO₂e emissions for the years 2023-2039.

This is in direct contrast to this Facility’s CO₂ emissions in 2011, 2012, 2013, 2014, 2015 and 2016—which were zero.

As DEC recently stated in the Astoria permit denial letter, “[u]nder the [CLCPA], again, given the required reductions in Statewide GHG emissions pursuant to ECL Article 75, these estimates constitute a substantial amount of new GHG emissions that would make the Statewide GHG emissions limits more difficult to achieve.”¹⁰⁹ There is no logical basis to treat this Facility’s emissions any differently.

iii. The Facility’s Limited Service to the Grid Is Also Not Consistent with the CLCPA’s Mandates.

NYISO defines “[p]eaking power plants, also known as peaker plants or just ‘peakers’” as “power plants that generally run when there is a high demand—known as peak demand—for electricity.”¹¹⁰ Peakers often only run during very hot or very cold weather, and usually come online between 1% and 20% of the time (known as a “capacity factor”).¹¹¹ Before mining proof-of-work cryptocurrency, the Facility’s capacity factor was 17% in 2017, 19% in 2018, and 6% in 2019.¹¹²

Aside from its proof-of-work cryptocurrency mining operations 24 hours a day, 365 days a year, which is plainly CLCPA-non-compliant, the Facility’s limited and likely unnecessary service to the grid as a peaker plant is also inconsistent with the CLCPA’s statewide GHG emissions reductions mandates. As stated above, the CLCPA’s emission reduction mandates in 2030 are rapidly approaching. As described in Section II(I) below, there are abundant renewable energy resources in Zone C, adequate and upgraded, local transmission, as well as battery storage options that can retire fossil-fueled peakers in the region, easing the transition to a zero-emission electricity sector in 2040 as mandated by the CLCPA. Extending the use of and reliance on fossil fuel generation at this Facility, in any

¹⁰⁸ As noted above, CO₂e includes emissions of CO₂, CH₄, and N₂O, calculated by applying Tier 1 calculations and default fuel characteristics from 40 C.F.R. § 98.33, annual average fuel consumption at Greenidge from 2019 (11,240 scf/MWh), 8,760 operating hours per year, 106 MW capacity, and a leak rate for upstream emissions of 3.5%.

¹⁰⁹ Astoria Title V Permit Denial at 8.

¹¹⁰ See NYISO, *Power Trends*, Glossary, <https://www.nyiso.com/documents/20142/6386402/2020-power-trends-glossary.pdf/055f525f-3a5a-f73f-54f0-728a2360de7f>.

¹¹¹ See *id.* According to another definition, for federal acid rain regulations, a combustion unit is a peaking unit if it has an average annual capacity factor of 10% or less over the past three years and an annual capacity factor of 20% or less in each of those three years. 40 C.F.R. § 72.2.

¹¹² See table on page 4, *supra*.

capacity, will prevent the State from making the necessary progress toward a zero-emissions electricity sector.

D. The Facility's GHG Emissions Must Be Considered with Reference to Statewide Emissions and Reduction Goals.

Greenidge argues that its current onsite and upstream potential CO₂e emissions are already substantially lower than the Facility's actual emissions in 1990 and that it has reduced its onsite GHG emissions in excess of 75%, comparing its potential permitted onsite emissions to its 1990 baseline actual emissions.¹¹³ This comparison is neither meaningful nor based in pertinent reality when the Facility did not operate for multiple years before its reactivation in 2017 and was a baseload coal-fired power plant before 2011.

The GHG reduction targets of the CLCPA are *statewide* targets, not targets for each individual emitter, and DEC's responsibility is to ensure an aggregate reduction from all emitting sources, in all sectors, in the next 9 and 19 years. The Applicant's statement that their potential to emit would be lower than their 1990 emissions is a self-serving attempt to use the Facility's history as a large coal-fired baseload power plant to mask the fact that they plan to increase their emissions sharply to mine proof-of-work cryptocurrency, with no benefit to the grid or otherwise. As argued above, allowing the Applicant to increase GHG emissions in the absence of a compelling justification will frustrate the State's ability to meet the GHG reduction targets established by the CLCPA.

The Applicant further asserts that their permit is consistent with, and will not interfere with, the attainment of the statewide GHG emissions targets established by the CLCPA, in part, because the Facility's potential CO₂e emissions "comprise only 0.23% of the total statewide 2030 GHG emissions target."¹¹⁴ This statement ignores the fact that every individual emitter in New York contributes just a small portion to the State's overall GHG emissions. Greenidge has failed to provide a compelling justification for why it should receive special permission to increase its emissions from its new operations. These increased emissions would place an added burden on every other entity in the state to further reduce their emissions to compensate for this Facility that serves little-to-no compelling public interest or benefit, and would interfere with the GHG emission targets established by the CLCPA.

DEC must reject the Applicant's self-serving claims that its own 1990 emissions—as a coal-fired baseload plant—not its recent service as a gas-fired peaker plant, and not state-wide emissions, are a meaningful baseline or guideline, and affirm that GHG emissions reductions from every GHG polluter in New York is critical to meeting CLCPA goals.

¹¹³ ERM Letter to DEC at 12.

¹¹⁴ *Id.* at 2.

E. The Significant Impacts on the Environment from the Facility’s Material Change in Operations Is Not Necessary Nor Justified.

Since the Facility is wholly inconsistent with the CLCPA and will interfere with the Statewide GHG emission limits, the Applicant must offer a sufficient basis for justification. No such justification has been provided.

i. The Significant Increase in GHG Emissions from the Facility’s Proof-of-Work Cryptocurrency Mining Is Unnecessary and Unjustified.

As described above, under CLCPA Section 7(2), if DEC intends to approve a permit for a Facility that is inconsistent with or interferes with attainment of the CLCPA’s statewide GHG emissions reductions mandates, it “shall provide a detailed statement of justification as to why such limits/criteria may not be met . . .”

There is likely no need for this plant for grid service, and neither the Applicant nor DEC could justify mining proof-of-work cryptocurrency as “advancing” climate goals as it emits more and more GHG emissions every day, when the Facility had zero emissions from 2011 through 2016 and only operated a limited amount of days since reactivating in 2017 before beginning to mine Bitcoin.

DEC’s action on the Title V permit will have far-reaching impacts across the state and beyond. Bitcoin, the cryptocurrency currently mined at Greenidge, is a type of proof-of-work cryptocurrency mining method that consumes tremendous amounts of energy, which in turn generates substantial amounts of GHG emissions when such operations are powered either directly or indirectly by fossil fuels.¹¹⁵ Bitcoin mining today uses 133.68 terawatt hours per year of electricity globally, more than three times as much as it did at the beginning of 2019.¹¹⁶ Bitcoin mining’s energy consumption alone constituted:

- approximately half as much electricity as all of the United Kingdom,¹¹⁷

¹¹⁵ See, e.g., Andrew Ross Sorkin et al., *Why Bill Gates Is Worried About Bitcoin*, N.Y. Times (Mar. 9, 2021), <https://www.nytimes.com/2021/03/09/business/dealbook/bill-gates-bitcoin.html> (“Bitcoin uses more electricity per transaction than any other method known to mankind.”). There are less energy-intensive cryptocurrency methods, namely proof-of-stake mining, which uses 95–99% less energy than proof-of-work cryptocurrency like Bitcoin. See, e.g., Ezra Kaplan, *Cryptocurrency Goes Green: Could ‘Proof of Stake’ Offer a Solution to Energy Concerns?*, NBC News (May 25, 2021), <https://www.nbcnews.com/tech/tech-news/cryptocurrency-goes-green-proof-stake-offer-solution-energy-concerns-rcna1030>; *Bitcoin Energy Consumption Index*, Digiconomist (last updated Nov. 2021), <https://digiconomist.net/bitcoin-energy-consumption>.

¹¹⁶ Katie Martin & Billy Nauman, *Bitcoin’s Growing Energy Problem: ‘It’s A Dirty Currency’*, Fin. Times (May 20, 2021), <https://www.ft.com/content/1aecb2db-8f61-427c-a413-3b929291c8ac> (citing Cambridge Bitcoin Electricity Consumption Index, <https://cbeci.org/>); Brian Spegele & Caitlin Ostroff, *Bitcoin Miners Are Giving New Life to Old Fossil-Fuel Power Plants*, Wall St. J. (May 21, 2021), <https://www.wsj.com/articles/Bitcoin-miners-are-giving-new-life-to-old-fossil-fuel-power-plants-11621594803>.

¹¹⁷ Katie Martin & Billy Nauman, *Bitcoin’s Growing Energy Problem: ‘It’s A Dirty Currency’*, Fin. Times (May 20, 2021), <https://www.ft.com/content/1aecb2db-8f61-427c-a413-3b929291c8ac>.

- more electricity per year than each of the following countries: Sweden, Chile, the Netherlands, and Argentina;¹¹⁸
- nearly as much as all data centers in the world this year;¹¹⁹ and
- more than Google, Apple, Facebook, and Microsoft combined.¹²⁰

A group of researchers at the University of New Mexico has put a price on that pollution, estimating that every dollar of Bitcoin value mined accounts for 49 cents' worth of health and climate damage in the U.S.¹²¹ Indeed, a recent study published in *Nature Climate Change* found that Bitcoin mining has the potential, single-handedly, to push the planet past the targets set by the Paris agreement.¹²² There is no justification for this project that could satisfy the mandates of the CLCPA.

ii. The Significant Water Impacts and Noise Impacts, as well as the Electronic Waste from the Facility's New Proof-of-Work Cryptocurrency Mining Are Unnecessary and Unjustified.

As described in Section III below, there are immense water and noise impacts in addition to the immense volume of GHG emissions from the new operations at this Facility that cannot justify the material change in operations at this Facility. In addition to that, New York State will also have to grapple with increasing amounts of electronic waste (“e-waste”) from proof-of-work cryptocurrency mining, which are not justifiable. E-waste can cause significant harm to the environmental and human health.¹²³

¹¹⁸ See, e.g., Jon Huang et al., *Bitcoin Uses More Electricity Than Many Countries. How Is that Possible?*, N.Y. Times (Sept. 3, 2021) <https://www.nytimes.com/interactive/2021/09/03/climate/bitcoin-carbon-footprint-electricity.html>; Cambridge Ctr. for Alt. Fin., *Comparisons*, Cambridge Bitcoin Electricity Consumption Index, <https://ccaf.io/cbeci/index/comparisons>.

¹¹⁹ Alex de Vries, *Bitcoin Boom: What Rising Prices Mean for the Network's Energy Consumption*, 5 *Joule* 509 (Mar. 2021) [https://www.cell.com/joule/fulltext/S2542-4351\(21\)00083-0](https://www.cell.com/joule/fulltext/S2542-4351(21)00083-0).

¹²⁰ Gretchen Morgenson, *Some Locals Say a Bitcoin Mining Operation Is Ruining One of the Finger Lakes. Here's How*, NBC News (July 5, 2021), <https://www.nbcnews.com/science/environment/some-locals-say-Bitcoin-mining-operation-ruining-one-finger-lakes-n1272938>; see also Brian Spegele & Caitlin Ostroff, *Bitcoin Miners Are Giving New Life to Old Fossil-Fuel Power Plants*, Wall St. J. (May 21, 2021), <https://www.wsj.com/articles/Bitcoin-miners-are-giving-new-life-to-old-fossil-fuel-power-plants-11621594803>.

¹²¹ Rachel Whitt, *The Environmental Cost of Cryptocurrency Mines*, Univ. of N.M. (Nov. 12, 2019) <https://news.unm.edu/news/the-environmental-cost-of-cryptocurrency-mines>.

¹²² Camilo Mora et al., *Bitcoin Emissions Alone Could Push Global Warming Above 2°C*, 8 *Nature Climate Change* 931 (2018), <https://www.nature.com/articles/s41558-018-0321-8>.

¹²³ *Id.* See also, Megan Avakian, *E-waste: An Emerging Health Risk*, Nat'l Inst. of Env't Health Scis. (Feb. 2014), https://www.niehs.nih.gov/research/programs/geh/geh_newsletter/2014/2/spotlight/ewaste_an_emerging_health_risk_cfm; *Understanding e-waste*, <https://www.epa.gov/international-cooperation/cleaning-electronic-waste-e-waste> ("Without proper standards and enforcement, improper practices may result in public health and environmental concerns, even in countries where processing facilities exist.").

Bitcoin mining generates approximately 31 metric kilotonnes of e-waste every year, which is comparable to the e-waste produced by the whole country of the Netherlands.¹²⁴ The mining devices used for Bitcoin quickly go obsolete, often lasting only two years.¹²⁵ The e-waste generated from Bitcoin mining is significant, and experts predict it will continue to increase as Bitcoin mining operations increase in scale.¹²⁶

iii. The Facility’s “Peaker” Service Is Likely Not Necessary.

The Facility’s limited service as a peaker does not serve either short-term or long-term power generation reliability needs. Ensuring grid reliability is a multifaceted engagement overseen by the New York Independent System Operator (“NYISO”). Typically, a utility will undergo a NYISO System Reliability Impact Study in order to justify and support a claim of reliability.¹²⁷ Greenidge cannot claim that their plant is necessary and justified for reliability purposes without having undergone a recent System Reliability Impact Study.

Without a NYISO System Reliability Impact Study, a reliability need could be made based on other NYISO-initiated studies in the Comprehensive Reliability Planning Process.¹²⁸ NYISO’s Comprehensive Reliability Planning Process typically is comprised of four components: (1) the Local Transmission Planning Process; (2) the Reliability Planning Process; (3) the Congestion Assessment and Resource Integration Study; and (4) the Public Policy Transmission Planning Process. Most important to peaker service and reliability is the Reliability Planning Process. The Reliability Planning Process includes a Reliability Needs Assessment, which is a biennial study that evaluates the resource adequacy and transmission system security of New York’s bulk power transmission facilities. These studies, and the Reliability Needs Assessment, piece together relevant state laws, retiring and upcoming retirements of peaker and black start plants, future trends in the market, and other potential reliability concerns in order to highlight the greatest weaknesses of the grid and address them accordingly. These studies demonstrate many of the congestion and reliability constraints

¹²⁴ BBC, *Bitcoin Mining Produces Tons of Waste*, (Sep. 20, 2021), <https://www.bbc.com/news/technology-58572385>; Alex de Vries & Christian Stoll, *Bitcoin’s Growing E-waste Problem*, 175 Res., Conservation & Recycling 105901 (Dec. 2021), <https://www.sciencedirect.com/science/article/pii/S0921344921005103>; *Bitcoin Electric Waste Monitor*, Digiconomist, <https://digiconomist.net/Bitcoin-electronic-waste-monitor/>.

¹²⁵ Joachim Klement, *Geo-Economics: The Interplay between Geopolitics, Economics, and Investments* at 106 (Apr. 2021).

¹²⁶ Mark Peplow, *Bitcoin Poses Major Electronic-Waste Problem*, Chem. & Eng’g News (Mar. 14, 2019), <https://cen.acs.org/environment/sustainability/Bitcoin-poses-major-electronic-waste/97/i11>.

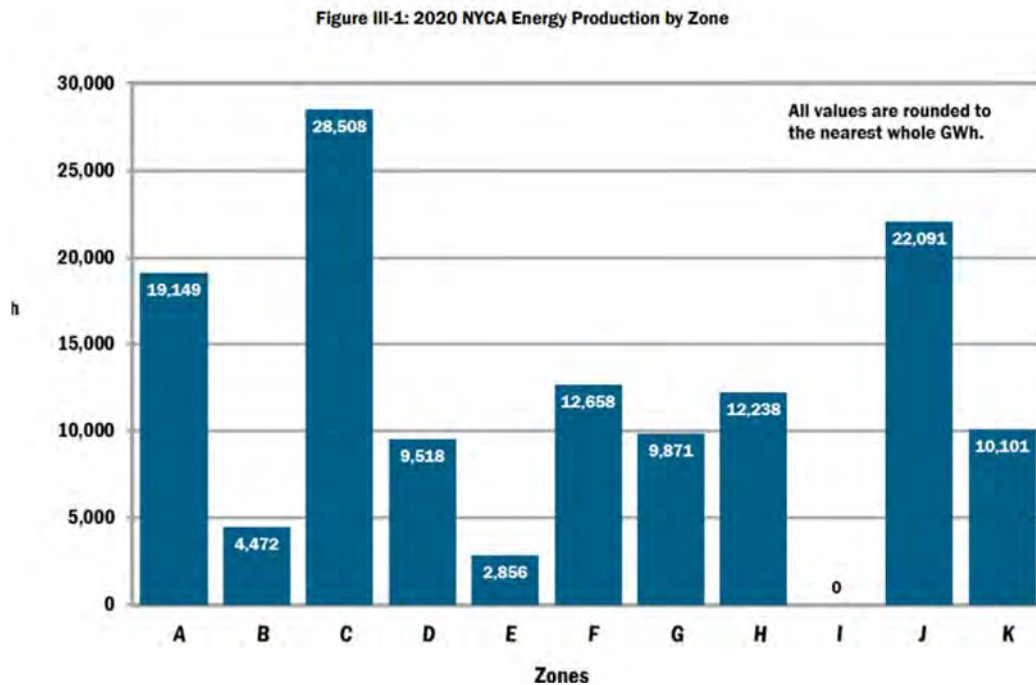
¹²⁷ See NYISO, *2020 Active Interconnection Queue*, <https://www.nyiso.com/documents/20142/1394430/NYISO-Interconnection-Queue-11-19-20.xlsx/b5d2d932-225a-10e6-5b45-075acb4fb4a9?t=1608559880214> (showing that Greenidge has no available reliability study whereas other Zone C generation utilities do). In 2015, Greenidge underwent a form of a reliability study that looked at effects to the grid upon the repowering of a power plant. However, Greenidge has not provided the DEC with a recent reliability study to demonstrate that the plant is serving a reliability need and that their continued operation is required to fill it. Barry Cassell, *Greenidge Generation Looks to Re-Start Shut Unit at New York Power Plant*, Transmission Hub (Sept. 10, 2015), <https://www.transmissionhub.com/articles/2015/09/greenidge-generation-looks-to-re-start-shut-unit-at-new-york-power-plant.html>.

¹²⁸ NYISO, *Manual 26: Reliability Planning Process Manual* (Apr. 2021), https://www.nyiso.com/documents/20142/2924447/rpp_mnl.pdf.

within Zone C have been remedied. Since the Applicant has not provided a reliability study to justify the need for ongoing operation and NYISO’s own records highlight significant renewable energy and transmission and distribution improvements within Zone C, the Facility cannot show reliability reasons for any justification, and it would seem unlikely that they would be deemed so given the recent evidence to the contrary.

First and foremost, this plant did not operate in 2011, 2012, 2013, 2014, 2015, or 2016 and NYISO Zone C—where Greenidge is located—suffered no local load constraints nor shortages of energy production during that time.¹²⁹ Rather, the grid adapted to the retirement of the coal-fired plant in 2010. In fact, when the Facility began operating again in 2017, the Applicant stated publicly that they were not producing energy for the grid because it was too costly for them to be able to return a profit: “with natural gas prices relatively high and electric prices comparatively low, Greenidge has not been generating electricity for public consumption.”¹³⁰ This highlights how unnecessary the Facility is for peaker service.

Second, NYISO Zone C has some of the highest annual net energy production in New York State, as shown below:¹³¹



¹²⁹ In 2011, when Greenidge retired, Zone C had one of its highest annual energy consumptions of 16,167GWh.

¹³⁰ John Christensen, *Power Plant to Add Data Center*, Chron. Express (Jul. 31, 2019), <https://web.archive.org/web/20190731061907/https://www.chronicle-express.com/news/20190731/power-plant-to-add-data-center#expand>.

¹³¹ NYISO, 2021 Load & Capacity Data Report (“Gold Book”) at 102, 104 (Apr. 2021) (showing a total of 28,508 GWh of net energy generation in Zone C in 2020).

Zone C's installed capacity far out-strips local peak demand.¹³² Furthermore, local demand is projected to decrease in the future.¹³³ NYISO's Congestion Assessment and Resource Integration Study found no local concerns. The main load constraints and transmission congestion concerns that NYISO is studying are located in Western New York, on the eastern connect and in Zone E.¹³⁴ In contrast, Zone C's energy consumption in 2020 was 15,450 GWh, with a margin of over 10,000 GWh of excess generation.¹³⁵

Lastly, NYISO approved a 34.5kV transformer addition and substation reconfiguration for the nearby NYSEG Oakdale facility.¹³⁶ This project improves reliability by enabling increased load transfers from the bulk power grid to Zone C consumers.

All of these projects have aided in strengthening the resiliency and reliability of the bulk power grid, as well as mitigating any losses of load expectation within Zone C. Thus, despite the Applicant's claim of the need for peaker service, Zone C is well-situated to have a reliable grid without Greenidge.

The Applicant claims that its Facility is beneficial to nearby communities because of economic resources, mostly via job opportunities. However, as DEC recently highlighted in their testimony to the Legislature:

“Compared to other energy intensive industries, or conventional data center operations, cryptocurrency mining has relatively low permanent job creation rates. The volatile nature of cryptocurrency valuations can lead to surging growth when valuations are high and devastating impacts when those valuations crash. This was witnessed in other parts of the country over the span of just two years between 2017 and 2018.”¹³⁷

¹³² NYISO's 2021 Gold Book indicates that the 2020 peak demand in Zone C was just 2,752 MW, while summer capability totaled 6,380.7 MW. *Compare id.* at 24, with *id.* at 100.

¹³³ NYISO projects that statewide electric demand will decrease slightly between 2020 and 2030 before slowly increasing due to increased electrification. Additionally, NYISO forecasts decreased annual and summer peak demand from 2021 values through at least 2039. NYISO, *Power Trends 2021: New York's Clean Energy Grid of the Future* at 12, 23-24 (2021), <https://www.nyiso.com/documents/20142/2223020/2021-Power-Trends-Report.pdf/471a65f8-4f3a-59f9-4f8c-3d9f2754d7de>; Max Schuler & Chuck Alonge, NYISO, *Long Term Forecast Update*, at slide 34 (Nov. 19, 2020), <https://www.nyiso.com/documents/20142/17044621/LT-Forecast-Update.pdf>.

¹³⁴ NYISO, *2019 Congestion Assessment and Resource Integration Study (CARIS)* at 2 (July 2020), <https://www.nyiso.com/documents/20142/2226108/2019-CARIS-Phase1-Report-Final.pdf>.

¹³⁵ NYISO *Gold Book* at 23.

¹³⁶ *Id.* at 13; NYISO, *2017 Interim Area Transmission Review of the New York State Bulk Power Transmission System* (Oct. 24, 2017), https://www.nysrc.org/pdf/MeetingMaterial/RCMSMeetingMaterial/RCMS%20Agenda%202013/NYISO_2017_Interim_ATR_Draft_24oct2017.pdf.

¹³⁷ DEC's Cryptocurrency Testimony at *3.

Finally, it is important to note that though Greenidge claims to provide a myriad of benefits under a guise of reliability, the Facility rarely supplies power to the grid at present, due to the economic incentives of Bitcoin mining. Greenidge CFO, Tim Rainey has stated that:

“Although there is no fixed threshold of revenue from selling power that would make us want to sell the power instead of mine crypto, currently that number would be over \$100 per MWh of power that we generate.”¹³⁸

The Applicant essentially suggests that they would only supply power to the grid when their profit margin is able to top that of Bitcoin mining. That is both highly unlikely in the current financial environment and decidedly not in the public interest—whether at the local, state, or planet level—given the enormous GHG emissions of this plant as it increases its mining operations. It is also highly suggestive of the lack of merit for any grid reliability claim.

F. The Applicant Has Not Identified Adequate Alternatives or Mitigation Measures That Comply with the CLCPA

The Applicant’s proposed GHG mitigation measures fail to bring the Facility’s new operations into compliance with the requirements of CLCPA Section 7(2). None of the proposed mitigation measures offered by the Applicant would even approach mitigating the 641,878 tons of direct GHG emissions from the Facility—and therefore the strategies are not “acceptable” or “approvable” mitigation measures “where such project is located.”¹³⁹

As stated above, the CLCPA requires parties to mitigate emissions with a goal to effectively zero out their GHG emissions. And under the CLCPA, mitigation measures cannot include carbon offsets in the electric generation sector.¹⁴⁰ Yet, the Applicant’s mitigation plans consist solely of a small solar array on site and the purchase of offsets. None of the mitigation proposals put forward by Greenidge come even close to offsetting the projected GHG emissions from the project, nor mitigating its overall effect of making it harder for the state to achieve a zero-emissions electricity sector. If DEC were to reach this step of the analysis, DEC should conclude there is insufficient mitigation. And as described more fully in Section F below, in no event can DEC issue a Title V permit conditioned on Greenidge developing mitigation measures to be submitted and evaluated after permit issuance.

i. The Installation of a Small Solar Array by Greenidge Cannot Mitigate the Burning of Fossil Fuels at the Power Plant that Will Emit Up to 641,878 Tons of GHGs Per Year.

The inclusion of a small solar array as a mitigation tactic is insufficient. A nominal amount of solar-powered energy is not nearly enough to sufficiently offset or reduce the Facility’s 106 MW of nameplate capacity and GHG emissions of up to 641,878 tons per year

¹³⁸ *Digital Assets: Greenidge Gen, Once a Coal Plant, Is Now a Profitable Crypto Miner*, DailyAlts (Aug. 19, 2020) <https://dailyalts.com/digital-assets-greenidge-gen-once-a-coal-plant-is-now-a-profitable-crypto-miner/>.

¹³⁹ CLCPA § 7(2).

¹⁴⁰ N.Y. E.C.L. § 75-0109(4)(f).

(and up to 1,127,061 tons of GHGs per year if upstream emissions are included). Also, it is unclear whether the Applicant will reduce its fossil-fueled generation by any solar-powered generation—or rather just generate more electricity via its solar panels to mine even more Bitcoin, rather than decrease operations at the Facility accordingly.

The Applicant also does not propose any other mitigation measures that sufficiently mitigate or reduce the Facility’s GHG emissions from its material change in operations to mine proof-of-work cryptocurrency. Even with the most stringent mitigation measures currently available, the company would be unable to reduce the plant’s GHG emissions to zero before 2040 and this failure will make it more difficult for the state to meet its 2030 target.

ii. Purchasing Offsets Is Not a Permissible Mitigation Measure Under the CLCPA.

The CLCPA mandates that New York obtain 70% of its power from renewable energy resources by 2030 and a zero-emissions electricity sector by 2040.¹⁴¹ Across all sectors, the CLCPA limits greenhouse gas emissions to 60% of 1990 levels by 2030 and 15% of 1990 emissions by 2050.¹⁴² In specific sectors, offsets are permitted under the statute to aid in reaching the goals of the CLCPA.¹⁴³ However, the CLCPA specifically states that the electricity generation sector may not use offsets to mitigate their greenhouse gas emissions: “sources in the electric generation sector *shall not be eligible to participate in such mechanism.*”¹⁴⁴ The Applicant’s purchase of carbon offsets as a potential mitigation measure for its 641,878 tons per year of CO₂e are statutorily prohibited.

As the table on page 4 shows, the only time the Facility was truly carbon neutral under the statutory definition, was during the years 2011 through 2016, when it had zero emissions because it was not operating. Though an offset or net-zero approach may be used to achieve the final 15% of emissions reductions under the CLCPA’s sector-wide 2050 greenhouse gas limit, the CLCPA electric sector limits afford no such flexibility.¹⁴⁵

G. The CLCPA Prohibits DEC from Approving the Draft Title V Permit Prior to the Submission of the Company’s Mitigation Plan.

The draft permit contains a condition requiring the Applicant to submit a GHG mitigation plan outlining a “strategy or strategies for reducing the greenhouse gas emissions generated by and associated with the Facility’s operations” within 120 days of the issuance of the permit.¹⁴⁶ This proposal is unlawful because it would circumvent the requirements of

¹⁴¹ N.Y. Pub. Serv. L. § 66-p(2).

¹⁴² N.Y. E.C.L. §§ 75-0107(1).

¹⁴³ N.Y. E.C.L. § 75-0109(4)(f)-(i).

¹⁴⁴ N.Y. E.C.L. § 75-0109(4)(f) (emphasis added).

¹⁴⁵ Compare CLCPA § 1(4) & CLCPA § 2, codified at N.Y. E.C.L. § 75-0107(1) (sector-wide GHG emission limit requires reducing emissions by 85% of 1990 levels & eliminating net emissions by 2050), with CLCPA § 4, codified at N.Y. P.S.L. § 66-p(2) (electric sector must be zero emissions by 2040).

¹⁴⁶ Draft Title V Permit at 6.

CLCPA Section 7(2), which clearly provide that DEC must consider an applicant’s proposed mitigation measures before the permit is issued. As discussed above, pursuant to CLCPA Section 7(2), DEC cannot issue the Title V permit unless and until it determines that the Facility is consistent with and would not interfere with the attainment of the state’s GHG limits. If inconsistency with the CLCPA is found,¹⁴⁷ the Applicant must provide a detailed statement of justification *and identify* “greenhouse gas mitigation measures to be required where such project is located.”¹⁴⁸

DEC’s own guidance confirms this, stating that the agency’s CLCPA analysis “should be included in the project description portion of the DEC permit” and that a “similar discussion,” including an analysis of possible mitigation measures, “should be included in the basis for monitoring section of the permit review report (PRR) for Title V facilities.”¹⁴⁹ The DEC’s own Division of Air Resources Technical Guidance Memo makes it clear that DEC must have “a description of any proposed mitigation measures from the facility owner or operator” in hand before the Department determines CLCPA consistency, not 120 days afterwards. The Technical Guidance Memo also states that “[i]f additional mitigation measures are proposed by the applicant, they should be discussed” in the Project Description portion of the permit.¹⁵⁰ The Facility’s current draft permit includes no discussion of mitigation measures.

The Technical Guidance Memo’s requirement that DEC obtain the proposed mitigation measures before and during permit review dovetails with DEC’s Uniform Procedures, which contemplate that an applicant may have to supplement a complete application “in order to enable the department to make the findings and determinations required by law,” but specify that these supplements must be made “during the course of review,” not after the permit is already issued.¹⁵¹ Separating review of the mitigation plan from review of the remainder of the permit application also frustrates the Legislature’s intent that “to the maximum extent feasible, a comprehensive project review approach shall replace separate and individual permit application reviews.”¹⁵²

Deferring review of the mitigation plan also denies the public the opportunity to read and comment on the plan, and the public hearing on this issue cannot possibly be meaningful if the public does not even know what additional measures, if any, the Applicant may propose. And as described above, carbon offsets and a small solar array do not eliminate the hundreds of

¹⁴⁷ According to DEC’s public notice of Greenidge’s application, “There are substantial greenhouse gas (GHG) emissions which are currently associated with the existing and proposed uses at the Facility. Based on the information currently available, at this time, Applicant has not demonstrated sufficient compliance with the requirements of the Climate Act.” DEC, *Notice of Complete Application, Availability of Draft Permits and Announcement of Virtual Legislative Public Comment Hearings* (Sept. 8, 2021), https://www.dec.ny.gov/enb/20210908_not8.html.

¹⁴⁸ CLCPA § 7(2).

¹⁴⁹ DEC, *DAR Technical Guidance Memo: Climate Leadership and Community Protection Act (CLCPA) and Permit Applications* at 2 (Sept. 1, 2020), <https://climate.law.columbia.edu/sites/default/files/content/CLCPA%20Permit%20Applications%20TGM.pdf>.

¹⁵⁰ *Id.* at 2.

¹⁵¹ N.Y. E.C.L. § 70-0105(2) (emphasis added).

¹⁵² N.Y. E.C.L. § 70-0103(5).

thousands of tons of GHGs being emitted at the power plant today and in the coming years, absent denial of the permit.

DEC's proposed deferred review of the mitigation plan would deprive the public of the fundamental opportunity to inform DEC's determination as to the sufficiency of any measures to mitigate the Facility's GHG emissions, effectively shielding these measures from public scrutiny and comment. New York courts have vacated permits when agencies frustrated public participation by delaying or deferring review of substantive and significant issues.¹⁵³ Thus, DEC cannot grant a Title V permit until after the company submits its complete mitigation plan to the agency, the public has a customary opportunity to comment, and DEC determines that they satisfy Section 7(2) of the CLCPA.

H. Alternatives to Significant Increases in GHG Emissions from the Facility's Change in Operations to Mine Proof-of-Work Cryptocurrency Exist.

If an agency finds that a project is necessary despite its inconsistency with CLCPA emissions reductions mandates and has provided a detailed statement of justification (none of which can be met here), it must also "identify alternatives or greenhouse gas mitigation measures to be required where such project is located."¹⁵⁴ Under Section 7(2), DEC is required to look at system-wide alternatives. As stated below in Section II(I), upstate New York functions on nearly 88% zero-emissions energy generation.

i. No Proof-of-Work Cryptocurrency Mining Is an Alternative.

The Facility does not have to mine proof-of-work cryptocurrency. As described above, the Facility's applications to reactivate said nothing about mining proof-of-work cryptocurrency, only about providing energy to the grid. The Facility could continue its service to the grid, as it previously represented to authorities that it would, and not generate additional hundreds of thousands of GHG emissions each year from mining Bitcoin.

ii. There Are Many Less Energy-Intensive Methods of Cryptocurrency Mining as Alternatives.

The Facility does not have to mine cryptocurrency using its current, hugely energy intensive proof-of-work method. Indeed, "Bitcoin uses more electricity per transaction than any other method [of cryptocurrency mining] known to mankind."¹⁵⁵ Several countries have

¹⁵³ See, e.g., *Penfield Panorama Area Cmty. v. Town of Penfield Planning Bd.*, 253 A.D.2d 342, 349 (4th Dep't 1999) (upholding trial court's annulment of a Planning Board project approval because the Planning Board deferred review of a required remediation plan until after the approval, finding that "deferring resolution of the remediation was improper because it shields the remediation plan from public scrutiny"); *Cty. of Orange v. Vill. of Kiryas Joel*, 44 A.D.3d 765, 768 (2d Dep't 2007) (holding that agency decisions must be vacated as "arbitrary and irrational" where the agency "improperly defers or delays a full and complete consideration of relevant areas of environmental concern").

¹⁵⁴ CLCPA § 7(2).

¹⁵⁵ Andrew Ross Sorkin et al., *Why Bill Gates Is Worried About Bitcoin*, N.Y. Times (Mar. 9, 2021), <https://www.nytimes.com/2021/03/09/business/dealbook/bill-gates-bitcoin.html>.

already taken action due to the significant GHG emissions increases in the face of climate change. For example, China, Canada, and the EU have either banned or placed strict restrictions on proof-of-work cryptocurrency mining in order to avert the harmful energy intensity and GHG emissions that it generates.¹⁵⁶ China has banned cryptocurrency mining altogether, while Canada is transitioning to \$143/ton carbon tax to approximate the implicit subsidy of carbon-based energy. Currently, EU lawmakers are seeking to establish amendments to address cryptocurrency's GHG consumption in the Markets in Crypto-Assets (MiCA) regulation.¹⁵⁷

Many less energy intensive methods exist to mine cryptocurrency, a more well-known, one being the proof-of-stake mechanism. Numerous proof-of-stake cryptocurrencies exist, including Polygon, Tezos, Polkadot, EOS, and Cardano, the latter of which has the fourth-largest market capitalization—\$50 billion—as of Spring 2021.¹⁵⁸ In addition, Ethereum, the world's second-largest cryptocurrency, recently announced plans to switch from proof-of-work to proof-of-stake, which will use at least 99.95% less energy, or be approximately 2,000 times more energy efficient.¹⁵⁹ Ethereum and other proof-of-stake forms of cryptocurrency mining show that there are viable and profitable alternatives to significant increases in GHG emissions.

¹⁵⁶ See, e.g., Andrew Ross Sorkin, *Bitcoin's Climate Problem*, N.Y. Times (Mar. 9, 2021), <https://www.nytimes.com/2021/03/09/business/dealbook/Bitcoin-climate-change.html>; Shangrong Jiang et al., *Policy Assessments for the Carbon Emission Flows and Sustainability of Bitcoin Blockchain Operation in China*, 12 *Nature Commc'ns* 1938 (Apr. 6, 2021), <https://www.nature.com/articles/s41467-021-22256-3>; Maxine Joselow, , *National Carbon Tax Upheld by Canada's Supreme Court*, *Sci. Am.* (Mar. 29, 2021), <https://www.scientificamerican.com/article/national-carbon-tax-upheld-by-canadas-supreme-court/>; *EU Emissions Trading System (EU ETS)*, European Commission, https://ec.europa.eu/clima/eu-action/eu-emissions-trading-system-eu-ets_en (EU and Canada's \$60/ton carbon tax).

¹⁵⁷ Bjarke Smith-Meyer, *How to Green Cryptocurrencies*, *Politico* (July 30, 2021), <https://www.politico.eu/article/cryptocurrency-Bitcoin-environment-impact-carbon-footprint/>; Sandali Handagama, *The View from Brussels: How the EU Plans to Regulate Crypto*, *NASDAQ* (Oct. 20, 2021) <https://www.nasdaq.com/articles/the-view-from-brussels%3A-how-the-eu-plans-to-regulate-crypto-2021-10-20>. See also Sebastian Kettlely, *EU Wide Ban On 'Harmful' Bitcoin Mining 'Great Step' Towards Saving Environment*, *Daily Express* (Nov. 12, 2021), <https://www.express.co.uk/news/science/1520537/eu-news-bitcoin-mining-ban-climate-change-cryptocurrency-greenhouse-emissions-bitcoin-co2> (Swedish regulators advocating for tougher regulations on Bitcoin mining have stated “. . . it is now possible to drive a mid-sized electric car some 1.1 million miles (1.8 million km) on the amount of energy it takes to mine a single bitcoin—the equivalent of completing 44 laps around the planet.” Not only is this “not a reasonable use of our renewable energy” but also that “policy measures are required to address the harms caused by the proof-of-work mining method.”).

¹⁵⁸ Ezra Kaplan, *Cryptocurrency Goes Green: Could 'Proof of Stake' Offer a Solution to Energy Concerns?*, *NBC News* (May 25, 2021), <https://www.nbcnews.com/tech/tech-news/cryptocurrency-goes-green-proof-stake-offer-solution-energy-concerns-rcna1030>.

¹⁵⁹ See, e.g., *Ethereum Energy Consumption Index*, *Digiconomist*, <https://digiconomist.net/ethereum-energy-consumption/>.

There is also the proof-of-authority method, a modified form of proof-of-stake, which has also emerged as a less energy-intensive method to mine cryptocurrency.¹⁶⁰ Another less energy intensive consensus mechanism is Open Representative Voting, which is a “consensus mechanism unique to Nano which involves accounts delegating their balance as voting weight to Representatives.”¹⁶¹ The Open Representative Voting method eliminates the unnecessary expenditure of energy—using only 0.0000072% of the power it takes for a single Bitcoin transaction.¹⁶²

And there are many more less energy-intensive mining methods—including Federated Consensus, proof-elapsed-time, proof-of-capacity, proof-of-activity and proof-of-burn, all of which do not require extra energy use to ensure transactional security.¹⁶³ There is no shortage of ways to engage in energy-efficient cryptocurrency mining that do not require the repowering of mothballed or low-capacity power plants across the state.

iii. The Applicant Could Utilize Only Zero-Emissions Renewable Energy to Mine Proof-of-Work Cryptocurrency.

The Applicant made the conscious decision to burn natural gas, rather than use zero-emissions renewable energy. Examples abound of renewable energy-powered cryptocurrency. For example, hydro-powered plants mine Bitcoin in Mechanicville and Massena, New York.¹⁶⁴ A new cryptocurrency was recently created, Candela, whose protocol requires solely solar-powered mining.¹⁶⁵

¹⁶⁰ See, e.g., Zuhilmi Zainudin, *Proof of Work vs., Proof of Stake vs. Proof of Authority Consensus in 2 Minutes*, YouTube (Oct. 27, 2018), <https://www.youtube.com/watch?v=0RmgcGFKoGM>; Joachim Lohse, *The Proof of Authority Algorithm in the Energy Market*, AmpControl (Oct. 13, 2019), <https://www.ampcontrol.io/post/the-proof-of-authority-algorithm-in-the-energy-market>; Christine Comben, *How Does the Proof of Authority Algorithm Work?*, Coin Rivet (June 4, 2019), <https://coinrivet.com/how-does-the-proof-of-authority-algorithm-work/>.

¹⁶¹ Nano, *Protocol Design*, <https://docs.nano.org/protocol-design/orv-consensus/>; *Glossary*, Nano Documentation, <https://docs.nano.org/glossary/#open-representative-voting-orv>.

¹⁶² See Hiranmayi Srinivasan, *How Cryptocurrency Impacts the Environment-and Some Sustainable Choices to Make Instead*, Real Simple (June 8, 2021), <https://www.realsimple.com/work-life/money/money-planning/how-cryptocurrency-uses-energy> (stating that Bitcoin uses 1,546 kWh of energy per transaction, compared to Nano at 0.000112 kWh per transaction).

¹⁶³ See Peter W. Eklund & Roman Beck, *Factors That Impact Blockchain Scalability*, Proceedings of the 11th Int’l Conference on Mgmt. of Digital Ecosystems, 126 (2019), <https://doi.org/10.1145/3297662.3365818>; Y. Li et al., *A Blockchain-Based Decentralized Federated Learning Framework with Committee Consensus*, IEEE Network 35(1) at 234-241 (Jan./Feb. 2021), <https://ieeexplore.ieee.org/abstract/document/9293091>.

¹⁶⁴ Kathleen Moore, *Mechanicville Hydro Plant Gets New Life*, Albany Times Union (July 7, 2021) <https://www.timesunion.com/news/article/Mechanicville-hydro-plant-gets-new-life-16299115.php>; Coinmint, *Inside the Massive Crypto-Mining Plant in Massena, NY*, YouTube (Feb. 13, 2019), <https://www.youtube.com/watch?v=qa90X3pkAQ8>.

¹⁶⁵ Candela Coin, Press Release, *Blockchain Startup Candela Coin Develops Solar Powered Eco-Friendly Cryptocurrency Mining Protocol* (June 4, 2021), <https://www.prnewswire.com/news-releases/blockchain-startup-candela-coin-develops-solar-powered-eco-friendly-cryptocurrency-mining-protocol-301305861.html>.

However, as stated above, if the renewable energy generated to mine proof-of-work cryptocurrency diverted sufficient renewable energy from serving to the grid, such operations still would not be compliant with the CLCPA.

iv. DEC Should Disregard All Discussion of a Possible Switch to Hydrogen Fuel Because Greenidge Has Not Demonstrated That Conversion to an Alternative Fuel Is Technically or Economically Feasible at the Site, or that Hydrogen Fuel Combustion Would Result in Zero Emissions, as Required by the CLCPA.

In their Supplemental Addition to the Title V Permit, Greenidge brings forth potential mitigation alternatives, most notably an emissions reduction project opportunity to combust hydrogen along with fracked gas. Greenidge claims that combusting hydrogen has the potential to mitigate 10 to 15% of their CO₂ emissions.¹⁶⁶ Greenidge must elaborate substantially on this claim in order for it to be considered as a mitigation measure under the CLCPA. And 10-15% of 641,878 tons of CO₂ emissions will make little to no impact, while instead hydrogen combustion increased localized co-pollutant emissions and other air quality impacts due to increased nitrogen oxides (“NO_x”) emissions.

Many other questions remain unanswered. If Greenidge would produce the hydrogen itself, where would they site the electrolyzers—and where is the source of the renewable energy needed to run them? If Greenidge is not planning to produce its own hydrogen, then where would its hydrogen come from? Greenidge does not identify a green hydrogen producer (existing or proposed) capable of supplying their site. Would the pipeline servicing the power plant carry hydrogen? Current fossil fuel pipelines are limited in their ability to carry meaningful volumes of hydrogen, as hydrogen’s molecular size and low density make it incompatible with generic pipeline materials and designs.¹⁶⁷ Furthermore, hydrogen tends to corrode and embrittle pipeline infrastructure.¹⁶⁸ This corrosive tendency, together with the need for higher pipeline pressure and the risks of leakage, could create serious safety issues.¹⁶⁹ The leaks from hydrogen transport would likely go unnoticed as gas pipelines do not currently

¹⁶⁶ ERM Letter to DEC at 9.

¹⁶⁷ See U.S. Dep’t of Energy, *Hydrogen Pipelines*, <https://www.energy.gov/eere/fuelcells/hydrogen-pipelines>; see also Christopher Findlay, *What’s Your Purpose? Reusing Gas Infrastructure For Hydrogen Transportation*, Siemens Energy (Sept. 11, 2020) (“If the share of hydrogen exceeds 40 percent, the compressors [on a methane gas pipeline] will need to be replaced.”), <https://www.siemensenergy.com/global/en/news/magazine/2020/repurposingnatural-gas-infrastructure-for-hydrogen.html>.

¹⁶⁸ Justin Mikulka, *Decoding the Hype Behind the Natural Gas Industry’s Hydrogen Push*, Desmog Blog (Jan. 14, 2021), <https://www.desmogblog.com/2021/01/14/decoding-hype-behind-natural-gas-industry-hydrogen-push> (citing Zahreddine Hafsi et al., *Hydrogen Embrittlement Of Steel Pipelines During Transients*, 13 *Procedia Structural Integrity* 210 (2018)).

¹⁶⁹ Patrick K.A. Verdonck & Martha Kammoun, *Is Hydrogen a Viable Alternative to Lithium Under the Current Energy Storage Regulatory Framework?*, 18 *Oil, Gas & Energy Law Intelligence* (Nov. 2020), <https://bracewell.com/insights/hydrogen-viable-alternative-lithium-under-current-energy-storage-regulatory-framework>.

have systems for detecting leaks of hydrogen, itself a greenhouse gas that is five times more potent than CO₂.¹⁷⁰

DEC should reject this unsubstantiated and *de minimis* mitigation method, as Greenidge has not provided enough information as to how they will obtain their green hydrogen or how they will burn it. Further, Greenidge has not made a showing that burning hydrogen would even be CLCPA-compliant.

*a. Burning Green Hydrogen Is Infeasible
Due to Limited Supply and High Costs.*

Globally, less than 1% of hydrogen is produced via electrolysis and only about 0.02% qualifies as green hydrogen (meaning that it is produced from electrolysis powered purely by renewable electricity).¹⁷¹ Within the United States, nearly all hydrogen is produced via steam methane reformation (“SMR”) of fossil gas, an energy-intensive process emitting both GHGs and harmful co-pollutants such as NO_x, fine particulate matter, carbon monoxide, and volatile organic compounds.¹⁷² And because electrolysis is so energy-intensive, hydrogen produced using grid-average electricity is even more carbon-intensive than hydrogen produced via SMR.¹⁷³ Green hydrogen production is currently limited to demonstration projects, with projects “mostly in the single-digit MW scale.”¹⁷⁴

The diversion of New York’s currently limited supply of wind and solar energy towards the energy-intensive production of green hydrogen for use at Greenidge to mine proof-of-work cryptocurrency would divert those resources from the actual needs of the grid and the people of New York, making it even harder to meet the CLCPA’s mandates. For example:

¹⁷⁰ Richard Derwent et al., *Global Environmental Impacts of the Hydrogen Economy*, 1 Int’l J. Nuclear Hydrogen Production & Application 64 (2006), <https://www.inderscience.com/info/inarticle.php?articd=9869>; see also Erin M. Blanton et al., Columbia Ctr. on Glob. Energy Pol’y, *Investing in the U.S. Natural Gas Pipeline System to Support Net-Zero Targets* at 39 (Apr. 2021), https://www.energypolicy.columbia.edu/sites/default/files/file-uploads/GasPipelines_CGEP_Report_081721.pdf.

¹⁷¹ Sasan Saadat & Sara Gersen, Earthjustice, *Reclaiming Hydrogen for a Renewable Future: Distinguishing Oil & Gas Industry Spin from Zero-Emission Solutions* at 7 (Aug. 2021) (“Reclaiming Hydrogen”), https://earthjustice.org/sites/default/files/files/hydrogen_earthjustice.pdf; Emanuele Taibi et al., Int’l Renewable Energy Agency, *Green Hydrogen Cost Reduction: Scaling up Electrolysers to Meet the 1.5°C Climate Goal* at 18 (Dec. 2020), https://irena.org/-/media/Files/IRENA/Agency/Publication/2020/Dec/IRENA_Green_hydrogen_cost_2020.pdf; see also Int’l Energy Agency, *Decarbonising Industry With Green Hydrogen* (Nov. 17, 2020), <https://www.iea.org/articles/decarbonising-industry-with-green-hydrogen> (defining “green” hydrogen as hydrogen produced “using electricity generated from renewable energy sources”).

¹⁷² *Reclaiming Hydrogen* at 10.

¹⁷³ *Id.* at 13.

¹⁷⁴ *Green Hydrogen Cost Reduction: Scaling up Electrolysers to Meet the 1.5°C Climate Goal* at 18.

“Meeting the global demand for green hydrogen that one industry group predicts in 2050 could require the build out of solar resources that cover more than 81,250 square miles. This is a land area larger than the state of Minnesota. Using green hydrogen in segments that can use direct electricity would exacerbate the challenge of deploying sufficient renewable resources by wasting renewable capacity on energy-intensive electrolysis.”¹⁷⁵

This is especially true as demand for New York’s limited renewable energy supply will grow as electrification becomes more widespread throughout the state and as the agencies work to meet the requirement for zero-emissions electricity by 2040.¹⁷⁶

Hydrogen—and especially green hydrogen—is also prohibitively expensive. Market estimates for green hydrogen costs are between \$2.50–\$4.50/kg.¹⁷⁷ In addition, green hydrogen costs are intertwined with cost of the clean electricity that powers its production. Low-cost green hydrogen requires abundant, low-cost renewable energy.¹⁷⁸ Before claiming to use and facilitate green hydrogen on site, the Applicant could directly use renewable energy generation to mine cryptocurrency beyond the proposed 5MW of solar generation it may or may not develop.

b. Hydrogen Combustion is Not Zero-Emissions.

Finally, even assuming that Greenidge can establish a bona fide plan for operating its proposed plant on green hydrogen and commit to that plan—such operation would still not render the proposed plant consistent with the CLCPA because hydrogen combustion is not zero-emissions (as required for operation post-2040). Combusting even pure hydrogen results in GHG emissions, particularly when the hydrogen leaks, as it is prone to do given its small

¹⁷⁵ *Reclaiming Hydrogen* at 17 (citation omitted).

¹⁷⁶ Julie McNamara, *What’s the Role of Hydrogen in the Clean Energy Transition?*, Union of Concerned Scientists (Dec. 9, 2020) (citing M.W. Melaina et al., NREL, *Blending Hydrogen into Natural Gas Pipeline Networks: A Review of Key Issues* (Mar. 2013), <https://www.nrel.gov/docs/fy13osti/51995.pdf>), <https://blog.ucsusa.org/julie-mcnamara/whats-the-role-of-hydrogen-in-the-clean-energy-transition>; see also E3, *Pathways to Deep Decarbonization in New York State* at 6 (June 24, 2020), <https://climate.ny.gov/-/media/Project/Climate/Files/2020-06-24-NYS-Decarbonization-Pathways-Report.ashx> (describing increased electricity demand as building and transportation electrification expands); DEC’s Cryptocurrency Testimony at 2, stating (“Places like New York and Washington State, with robust hydroelectric power, offer attractive energy pricing and the cryptocurrency mining industry has taken advantage of that. Concerns arise about using so much of that public power for private benefit when so many other longstanding industries need to electrify over such a short period of time.”).

¹⁷⁷ BloombergNEF, *Hydrogen Economy Outlook: Key Messages* at 3 (Mar. 30, 2020), <https://data.bloomberglp.com/professional/sites/24/BNEF-Hydrogen-Economy-Outlook-Key-Messages-30-Mar-2020.pdf>; Nat’l Renewable Energy Lab., *The Technical and Economic Potential of the H2@Scale Concept within the United States* at 7 (2020) (“NREL 2020, Technical and Economic Potential of H2@Scale”), <https://www.nrel.gov/docs/fy21osti/77610.pdf>.

¹⁷⁸ Lazard, *Levelized Cost Of Energy, Levelized Cost Of Storage, and Levelized Cost Of Hydrogen* (Oct. 2021), <https://www.lazard.com/perspective/levelized-cost-of-energy-levelized-cost-of-storage-and-levelized-cost-of-hydrogen/>.

molecule size.¹⁷⁹ As described above, hydrogen itself is an indirect GHG with a global warming potential of 5.8 over 100 years.¹⁸⁰ More problematically, hydrogen combustion generates NOx emissions, a harmful air pollutant and another indirect GHG¹⁸¹ that in turn contributes to the formation of ozone, particulate matter, and acid rain.¹⁸² In fact, combusting hydrogen may produce NOx emissions at six times the rate of combusting methane.¹⁸³ NOx emissions could be mitigated through “advances in pollution control technology or by lowering flame temperatures, but this would then require either lower volumes of hydrogen in the combustor (and consequently, increased reliance on fossil fuels) or de-rating the engine, which results in efficiency losses and power decreases.”¹⁸⁴

NOx emissions leading to ozone formation is a major health concern for New Yorkers. For example, the state’s Department of Health has identified the reduction of air pollution including ozone as a key indicator to drive improvements in asthma rates and public health outcomes throughout the state. The New York State Prevention Agenda 2019-24 notes the “extensive evidence” linking ozone with respiratory and cardiovascular illness and death and establishes a goal to “[r]educ[e] exposure to outdoor air pollutants,” with an emphasis on vulnerable groups.¹⁸⁵

The Applicant claims that the Facility would utilize green hydrogen to mitigate about 10-15% of its GHG emissions. That means the Applicant would still combust at least 85% fossil gas. And even if they were able to successfully fuel the Facility with green hydrogen, it would still emit GHGs due to the likely leakage of hydrogen as well as the formation of NOx (which in turns leads to the formation of ground-level ozone) during combustion. Hydrogen combustion therefore is not, and cannot be, zero-emissions within the meaning of the CLCPA and as required for operation post-2040.

¹⁷⁹ *Best Practices Overview: Hydrogen Leaks*, Hydrogen Tools, <https://h2tools.org/bestpractices/hydrogen-leaks>; Justin Mikulka, *Decoding the Hype Behind the Natural Gas Industry’s Hydrogen Push*, Desmog Blog (Jan. 14, 2021), <https://www.desmogblog.com/2021/01/14/decoding-hype-behind-natural-gas-industry-hydrogen-push> (citing M. W. Melaina et al., NREL, *Blending Hydrogen into Natural Gas Pipeline Networks: A Review of Key Issues* (Mar. 2013)).

¹⁸⁰ See, e.g., Richard Derwent et al., *Global Environmental Impacts of the Hydrogen Economy*, 1 Int’l J. Nuclear Hydrogen Production & Application 64 (2006), <https://www.inderscience.com/info/inarticle.php?artid=9869>.

¹⁸¹ Gerhard Lammel & Hartmut Grasl, *Greenhouse Effect of NOx*, 2 Env’t Sci. Pollution Rsch. Inst. 40 (July 1995), <https://pubmed.ncbi.nlm.nih.gov/24234471/>.

¹⁸² EPA, *Basic Information about NO2* (last updated June 2, 2021), <https://www.epa.gov/no2-pollution/basic-information-about-no2#Effects>.

¹⁸³ Lew Milford et al., Clean Energy Grp., *Hydrogen Hype in the Air* (Dec. 14, 2020), <https://www.cleangroup.org/hydrogen-hype-in-the-air/> (“The bad news is that H2 combustion can produce dangerously high levels of nitrogen oxide (NOx). Two European studies have found that burning hydrogen-enriched natural gas in an industrial setting can lead to NOx emissions up to *six times that of methane* (the most common element in natural gas mixes). There are numerous other studies in the scientific literature about the difficulties of controlling NOx emissions from H2 combustion in various industrial applications. Even the Trump Administration’s Department of Energy ‘Hydrogen Program Plan’ identifies H2 combustion as a significant problem.”) (emphasis in original).

¹⁸⁴ *Reclaiming Hydrogen* at 18.

¹⁸⁵ N.Y. Dep’t of Health, *N.Y. State Health Improvement Plan: Prevention Agenda 2019–2024* at 72-73 (Sept. 2, 2021), https://www.health.ny.gov/prevention/prevention_agenda/2019-2024/docs/ship/nys_pa.pdf.

In summary, the Applicant’s incomplete, speculative, and non-committal assertions that its proposed plant could someday run on a hydrogen blend cannot be considered as a possible basis for finding the project CLCPA-consistent. *Cf.* CLCPA § 2 (codified at N.Y. E.C.L. § 75-0109(3)(b)) (greenhouse gas reduction measures must be “real, permanent, quantifiable, verifiable, and enforceable”). Running on hydrogen would necessitate major design and operational changes. And even if Greenidge *had* a concrete proposal for such operation, it would still not suffice to render the project CLCPA-consistent because hydrogen is not zero-emissions within the meaning of the CLCPA and as required for operation post-2040.

I. The Facility Has Not Established That It Is Necessary, and Viable Alternatives in the Region Suggest It Is Not.

The Applicant claims that the Facility is being used to provide reliable and adequate service to the grid. There is no need for additional capacity generation near the power plant, nor is Greenidge providing a “clean” source of power to the grid as they claim—it is burning fossil fuels 24 hours a day, not including the emissions from its upstream operations. Zone C already has high renewable energy for grid service, and additional emissions-free resources are increasingly coming online to meet both near-term and long-term locational reliability needs already exist.

i. Existing and Near-Term Development of Renewable Energy Can and Will Continue to Serve the Local Load and Can Meet Demand Needs Without the Facility.

Today, nearly 88% of the energy generated in upstate New York is sourced from zero-emissions generation.¹⁸⁶ This includes 1,049 GWh of wind power and 414.1 GWh of hydropower annually for Zone C,¹⁸⁷ and 1,036.8 MW and 216.8 MW of hydro capability during both summer and winter peak demand.¹⁸⁸ More is coming online every day. Zone C is expected to see three new wind generating stations—the Canisteo Wind Farm, the Baron Winds, and the Prattsburgh Wind Farm—that provide a total of 1,352.2 MW of additional renewable capacity.¹⁸⁹ Zone C is also expected to increase solar generation, with an additional 221 MW in 2021, 717 MW by 2030, and another 830 MW by 2040.¹⁹⁰ In 2020, Yates County

¹⁸⁶ NYISO, *The New York ISO & Grid Reliability* at 13 (Feb. 2021), <https://www.nyiso.com/documents/20142/2224547/The-New-York-ISO-and-Grid-Reliability.pdf/1c5987ea-81f5-9db9-615c-16f8201192a7>.

¹⁸⁷ NYISO, *Gold Book* at 102 (Apr. 2021), <https://www.nyiso.com/documents/20142/2226333/2021-Gold-Book-Final-Public.pdf>. Zone C’s Canastota Windpower, Marsh Hill Wind Farm, High Sheldon Wind Farm, Orangeville Wind Farm, Wethersfield Wind Power, and Fenner Wind Power generated a total of 923 GWh of net energy in 2020.

¹⁸⁸ *Id.* at 100-01 adding the total combined capacity of Summer and Winter capabilities of wind and hydro for Zone C.

¹⁸⁹ *Id.* at 112-15. The Canisteo Wind Farm is set to have a summer and winter MW capacity of 581.4, Baron at 476.8 MW, and Prattsburgh at 294 MW.

¹⁹⁰ *Id.* at 41.

approved several landfills to be turned into solar farms to add an additional 37 MW capacity for the area.¹⁹¹

In total, there are twenty-four proposed renewable resources additions for Zone C, ranging from solar, wind and energy storage initiatives, set to bring in, approximately, an additional 2,355 MW of zero-emissions capacity.¹⁹² The significant prospects for solar and other forms of renewable generation in the area demonstrate that there is no need for a fossil gas power plant here.

ii. Recent Transmission and Distribution Infrastructure Improvements in Zone C Can Also Meet Demand Needs Without the Facility.

In addition, recent transmission and distribution improvements within Zone C were implemented to ensure reliability and resiliency of the grid in Zone C.¹⁹³ The Clay-DeWitt and Clay-Teall Rebuild Projects established a 115kV electric transmission line to strengthen the grid within Zone C.¹⁹⁴ Terminal upgrades for two of the Clay-Pannell 345kV transmission lines completed in 2019 have increased the ratings for these lines.¹⁹⁵

iii. Battery Storage Will Expand Over the Coming Years and Can Meet Demand Needs Without the Facility.

The ability of battery storage technologies to meet reliability needs in the short term and long term exist, are increasing, and have the potential to mitigate any possible need for the Facility to serve the grid.

Combining current battery technology with renewables can efficiently meet peak demand.¹⁹⁶ The National Renewable Energy Laboratory has found “significant potential for energy storage to replace peaking capacity,” emphasizing that the peaking capacity of renewables plus storage “grows as a function of [solar photovoltaics] PV deployment.”¹⁹⁷ As the penetration of solar increases within a region, battery storage becomes increasingly effective at bridging capacity shortfalls. The trend toward narrower capacity gaps becomes

¹⁹¹ The Chronicle, *Old Landfills To Become New Solar Farms* (May 30, 2020) <https://www.chronicle-express.com/news/20200530/old-landfills-to-become-new-solar-farms>.

¹⁹² NYISO, *Gold Book* at 112-15.

¹⁹³ See NYISO, *W. N.Y. Public Policy Transmission Planning Report* (Oct. 2017), <https://www.nyiso.com/documents/20142/2892590/Western-New-York-Public-Policy-Transmission-Planning-Report.pdf>.

¹⁹⁴ “National Grid identifies in their local transmission plan [17] a project to reconductor the Clay-Dewitt (#3) 115 and Clay-Teall (#10) 115 kV transmission lines late 2017.” NYISO, *2014 Intermediate Area Transmission Review of the N.Y. State Bulk Power Transmission System* at 27 (Apr. 2, 2015), https://www.nysrc.org/pdf/MeetingMaterial/RCMSMeetingMaterial/RCMS_Agenda_183/2014_NYISO_IntermediateATR_Draft_v12.pdf.

¹⁹⁵ NYISO, *2020 Reliability Needs Assessment* at 13; FERC, *Managing Transmission Line Ratings* at 4 (Aug. 2019), <https://www.ferc.gov/sites/default/files/2020-05/tran-line-ratings.pdf>.

¹⁹⁶ See Nat’l Renewable Energy Lab. (“NREL”), NREL/TP-6A20-74184, *The Potential for Battery Energy Storage to Provide Peaking Capacity in the United States* (2019), <https://www.nrel.gov/docs/fy19osti/74184.pdf>.

¹⁹⁷ *Id.* at 15.

even more pronounced when solar and wind are combined, as the resources complement each other by typically peaking at different times of day. Significant amounts of battery storage have been approved throughout the state¹⁹⁸ and battery storage installations will expand over the next decade. The CLCPA requires 3,000 MW of statewide energy storage to be installed by 2030, and specifically calls for the state to direct that storage be prioritized to replace fossil-fuel peaker plants.¹⁹⁹

Long-duration storage technologies are projected to be increasingly available and cost effective in the long term as well. There are already alternative, zero-emissions resources being piloted that can provide several days of power. The highest profile example of this is a rechargeable iron-air battery developed by Form Energy, which states that it will be able to provide 100 hours of capacity at one tenth the cost of lithium-ion batteries.²⁰⁰ The U.S. Department of Energy has also committed to a Long Duration Storage Shot tasked with reducing the cost of long-duration energy storage by 90% within the decade.²⁰¹ Furthermore, lithium-ion battery prices are expected to continue decreasing, making longer-duration applications even more economically feasible for existing commercially available storage technologies.²⁰² Existing and future battery storage, with the abundant renewable energy in Zone C will mitigate any possible need for the Facility to serve the grid.

¹⁹⁸ See Andy Colthorpe, *Approval for 100MW / 400MWh Battery Storage Project at Site of New York Fossil Fuel Plant*, Energy Storage News (July 16, 2021), <https://www.energy-storage.news/approval-for-100mw-400mwh-battery-storage-project-at-site-of-new-york-fossil-fuel-plant/>; Parry, *State approves plan for Astoria clean energy hub at old Poletti power plant site*, QNS (July 16, 2021), <https://qns.com/2021/07/state-approves-plan-for-astoria-clean-energy-hub-at-old-poletti-power-plant-site/>; T&D World, *Con Edison to Build New York State's Biggest Battery Storage System in Queens* (Dec. 18, 2020), <https://www.tdworld.com/distributed-energy-resources/energy-storage/article/21150750/con-edison-to-build-new-york-states-biggest-battery-storage-system-in-queens>. See *Con Edison & O&R Utilities Seeking Battery Projects to Aid Clean Energy Push*, ConEdison (Aug. 2, 2021), <https://www.coned.com/en/about-us/media-center/news/20210802/con-edison-and-oru-utilities-seeking-battery-projects-to-aid-clean-energy-push>; David Wagman, *RFP Alert: Con Edison and Orange & Rockland are Looking for Battery Energy Storage Capacity*, PV Magazine (Aug. 2, 2021), <https://pv-magazine-usa.com/2021/08/02/rfp-alert-con-edison-and-orange-rockland-are-looking-for-battery-energy-storage-capacity/>; Dave Kovaleski, *Con Edison of New York Issues RFP for Installation of Battery Storage Systems*, Daily Energy Insider (Aug. 2021), <https://dailyenergyinsider.com/news/31400-con-edison-of-new-york-issues-rfp-for-installation-of-battery-storage-systems/?amp>. See Press Release, N.Y. Power Auth. (“NYPA”), *NYPA Announces North Country Large-Scale Energy Storage Project Construction Start* (Aug. 26, 2020), <https://www.nypa.gov/news/press-releases/2020/20200826-northcountry>; Andy Colthorpe, *Publicly-Owned and Operated 20MW Battery Project Begins Construction in New York*, Energy Storage News (Aug. 28, 2020), <https://www.energy-storage.news/publicly-owned-and-operated-20mw-battery-project-begins-construction-in-new-york/>.

¹⁹⁹ NYSEDA, *Energy Storage*, <https://www.nyserda.ny.gov/All-Programs/Energy-Storage>. See also N.Y. P.S.L. § 66-p(5); (7)(a).

²⁰⁰ See Form Energy, Inc., *Form Energy Unveils Chemistry of Multi-day Storage Battery Technology* (July 22, 2021), <https://www.prnewswire.com/news-releases/form-energy-unveils-chemistry-of-multi-day-storage-battery-technology-301339075.html>.

²⁰¹ See Dep’t of Energy, Office of Energy Efficiency & Renewable Energy, *Long Duration Storage Shot* (Sept. 23, 2021), <https://www.energy.gov/eere/long-duration-storage-shot>.

²⁰² See Andy Colthorpe, *US National Renewable Energy Lab Forecasts Rapid Cost Reduction for Battery Storage to 2030*, Energy Storage News (July 14, 2021), <https://www.energy-storage.news/us-national-renewable-energy-lab-forecasts-rapid-cost-reduction-for-battery-storage-to-2030/>.

III. THE FACILITY’S AIR PERMITS MUST BE DENIED BECAUSE THE SEQRA REVIEW WAS BASED ON ENTIRELY DIFFERENT CIRCUMSTANCES.

DEC mischaracterizes the issuance of air permits to the Applicant as a Type II action under New York State’s Environmental Quality Review Act (“SEQRA”). For all the reasons discussed above and below, the material changes in operations at the Facility require that the Title V air permit decision be treated as Type I action and the issuance of the air permits must be denied because the current circumstances have never been subject to a full environmental review under SEQRA. In the meantime, DEC should require the Facility to cease operations until a full SEQRA review is lawfully completed.

A. The Requirements and Purposes of SEQRA.

SEQRA ensures that protection and enhancement of the environment, including human and community resources, receive appropriate weight with social and economic considerations in determining public policy. In enacting SEQRA, the State Legislature intended that state and local governments “conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.”²⁰³

Although SEQRA was patterned after its Federal counterpart, the National Environmental Policy Act (“NEPA”),²⁰⁴ the State Legislature wished to provide greater protection to the environment, and therefore, made significant changes from NEPA, requiring that environmental impact statements be prepared in a much broader category of actions, and imposing substantive duties on the deciding governmental body to assure that environmental consequences are avoided or mitigated.²⁰⁵ As many courts have noted, the heart of SEQRA lies in its provision regarding environmental impact statements (“EISs”).²⁰⁶

For purposes of SEQRA, “actions” include “projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that . . . require one or more new or modified approvals from an agency or agencies.”²⁰⁷

The decision-making body having primary responsibility for carrying out or approving a project or activity, termed the “lead agency,” in this case DEC, is charged with the responsibility of determining whether the project under consideration *may* have significant

²⁰³ 6 NYCRR § 617.1(b); DEC, *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements*, DEC Policy at 1-2 (issued July 15, 2009), https://www.dec.ny.gov/docs/administration_pdf/eisghgpolicy.pdf.

²⁰⁴ 42 U.S.C. § 4332 *et seq.*

²⁰⁵ See *City of Buffalo v. N.Y. State Dep’t of Env’t Conserv.*, 184 Misc.2d 243 (Sup. Ct. Erie County 2000).

²⁰⁶ See, e.g., *Jackson v. N.Y. State Urban Dev. Corp.*, 67 N.Y.2d 400 (1986); *Town of Henrietta v. N.Y. State Dep’t of Env’t Conserv.*, 76 A.D.2d 215 (4th Dep’t 1980).

²⁰⁷ 6 NYCRR § 617.2(b)(1).

adverse environmental effects.²⁰⁸ An EIS must be prepared if a proposed action “*may include the potential for at least one significant adverse environmental impact.*”²⁰⁹

Conversely, and most importantly here, to determine that an EIS will not be required for an action, “the lead agency must determine either that there will be no adverse environmental impacts or the identified adverse environmental impacts will not be significant.”²¹⁰

In determining whether an EIS needs to be prepared, the SEQRA regulations provide a detailed road map concerning the obligations of the lead agency. The lead agency must first determine whether or not the proposed action falls within the categories of “Type I,” “Unlisted,” or “Type II.” Type I actions are those actions that because of their size, scope or type, are determined to be more likely to have adverse environmental consequences, and therefore require the drafting of an EIS. As explained in the SEQRA regulations:

“The purpose of the list of type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than unlisted actions. . . . [T]he fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.”²¹¹

In contrast, Type II actions do not require environmental review under SEQRA. To be classified as a Type II action, an action must involve “no more than minor social, economic or environmental effects” and “no more than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance, including but not limited to . . . prime or unique agricultural land; . . . water resources, including lakes, reservoirs, rivers, streams.”²¹² Actions listed in Section 617.5(c) of the SEQRA regulations have already been determined not to have an adverse effect on the environment. Case law suggests that “[t]he criteria for what constitutes a Type II action cannot be considered in a vacuum . . . consideration should have been given to environmental concerns associated with the proposed action.”²¹³ Because DEC has not conducted a SEQRA

²⁰⁸ N.Y. E.C.L. § 8-0109(2).

²⁰⁹ 6 NYCRR § 617.7(a)(1).

²¹⁰ 6 NYCRR § 617.7(a)(2).

²¹¹ 6 NYCRR § 617.4(a).

²¹² 17 NYCRR § 15.14(d)(3), (7).

²¹³ *Town of Bedford v. White*, 204 A.D.2d 557, 559 (2d Dep’t 1994); *see also generally, Omni Partners, L.P. v. Cty. of Nassau*, 237 A.D.2d 440, 442 (2d Dep’t 1997) (the court stating the state did not conclude a proper review because the projects “include a potential effect on air quality, traffic conditions, water use, sewage, and drainage. Thus, the Planning Commission should have issued a positive declaration and required the preparation of an EIS.”); *London v. Art Comm’n of City of N.Y.*, 190 A.D.2d 557, 559 (1st Dep’t 1993) (stating “In view of the fact that SEQRA entrusts some initial classifications of Type II actions to agencies, it is imperative this trust not be taken lightly and that the reason for the classification be documented.”).

review of the new operations at the Facility, reissuance of the Greenidge air permits must be denied.

Finally, unlisted actions are those actions that are neither Type I nor Type II.²¹⁴ An environmental impact statement must be prepared for an unlisted action if the proposed action “may include the potential for at least one significant adverse environmental impact.”²¹⁵

B. The Issuance of This Air Permit Must Be Categorized as a Type I Action Under SEQRA Because Operations Onsite Have Changed Substantially and Will Have Significant Adverse Environmental Effects—Locally, Statewide and Beyond.

Section 617.4(a)(1) of the SEQRA regulations identifies as Type I actions “those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS.”²¹⁶ The criteria for determining whether an action has a significant adverse impact on the environment are set forth in Section 617.7(c)(1). These criteria include:

- “(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; . . .
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; . . .
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health”²¹⁷

²¹⁴ 6 NYCRR § 617.2(ak).

²¹⁵ 6 NYCRR § 617.7(a)(1).

²¹⁶ 6 NYCRR § 617.4(a)(1).

²¹⁷ 6 NYCRR § 617.7(c)(1).

The application of these standards to climate change impacts is addressed in DEC’s policy referenced above:

“Global climate change is one of the most important environmental challenges of our time. There is scientific consensus that human activity is increasing the concentration of GHGs in the atmosphere and that this, in turn, is leading to serious climate change. These climate changes will continue to affect the environment and natural resources of the State of New York. . . . SEQR requires that lead agencies identify and assess actions for potential adverse environmental impacts. As state and local governments strive to meet this SEQR obligation, they will identify proposed projects that have potentially significant environmental impacts due, in part, to energy use and GHG emissions.”²¹⁸

In 2018, DEC revised the SEQRA regulations to add that an EIS must discuss “measures to avoid or reduce both an action’s impacts on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding.” . . . “where relevant and significant.”²¹⁹ Under these standards, a substantial change in operations at an electric generating facility will have a significant adverse impacts, including but not limited to stark increases air and hot water emissions.

In contrast, to determine that an EIS will not be required for an action, “the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.”²²⁰ To make such a determination for the change in operations at the Greenidge Facility would be arbitrary and capricious.

As Senator Schumer noted in his letter to the EPA regarding this Facility, “The EPA and NYSDEC regulate such plants to keep these negative impacts on our health and the environment to a minimum, while maximizing the public good. The Applicant’s new business model raises serious concerns because as emissions rise, the public good remains the same.”²²¹ DEC is required, with such a significant change in operations at the Facility and such a significant increase in emissions, to take a hard look at the impacts of the Facility under SEQRA.

²¹⁸ DEC, *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements*, DEC Policy at 1-2 (July 15, 2009), https://www.dec.ny.gov/docs/administration_pdf/eisghgpolicy.pdf.

²¹⁹ 6 NYCRR § 617.9(b)(5)(iii)(i).

²²⁰ 6 NYCRR § 617.7(a)(2).

²²¹ Sen. Charles E. Schumer, Press Release, *Schumer Calls on EPA to Review Air Permit For Greenidge Power Plant Cryptocurrency Mining Facility* (Oct. 12, 2021), <https://www.schumer.senate.gov/newsroom/press-releases/citing-environmental-concerns-schumer-calls-on-epa-to-review-air-permit-for-greenidge-power-plant-cryptocurrency-mining-facility-senator-reveals-emissions-from-plant-have-recently-increased-tenfold-and-with-ownership-planning-to-expand-virtual-mining-operation-pollution-from-mining-will-only-increase>.

DEC is also required to make a reasoned elaboration of the basis for its determination.²²² In the Environmental Notice Bulletin for the draft Permit, DEC simply writes: “Project is not subject to SEQR because it is a Type II action,” with no elaboration beyond that one sentence.²²³

This lack of reasoned elaboration is in stark contrast to DEC’s recent public statement that:

“DEC is closely monitoring the operations of Greenidge Generation, a **Bitcoin mining operation in Torrey, New York, and current proposals for its expansion.** In addition to ensuring continued compliance with DEC’s current permits for the facility, DEC will ensure a comprehensive and transparent review of its proposed air permit renewals with a particular focus on the potential climate change impacts and consistency with the nation-leading emissions limits established in the Climate Leadership and Community Protection Act. **As the greenhouse gas emissions associated with this type of facility may be precedential and have broader implications beyond New York’s borders,** DEC will consult with the U.S. EPA, the Climate Action Council, and others as we thoroughly evaluate the complex issues involved.”²²⁴

It is also in contrast to the Commissioner’s recent statement that “Greenidge has not shown compliance with NY’s climate law.”²²⁵

DEC mischaracterizes the issuance of new air permits as a Type II action under SEQRA. Although certain types of permit renewals are categorized as Type II actions in the SEQRA regulations, this categorization only applies “where there will be *no material change in permit conditions or the scope of permitted activities.*”²²⁶ Here, the scope of the plant’s permitted activities has materially changed since its air permits were issued in 2016. As such, material changes in the permit conditions are necessary to comply with the requirements of the CLCPA. In these circumstances, the issuance of the Applicant’s air permits must be treated as Type I action and subject to a full environmental review under SEQRA.

²²² *Zutt v. State*, 99 A.D.3d 85 (2d Dep’t 2012); *Gernatt Asphalt Prod., Inc. v. Town of Sardinia*, 664 N.E.2d 1226 (N.Y. 1996).

²²³ DEC, *ENB Region 8 Completed Applications 09/08/2021* (Sept. 9, 2021), https://www.dec.ny.gov/enb/20210908_reg8.html#Greenidge_Generation_LLC%20/2.

²²⁴ DEC, *Statement from the New York State Department of Environmental Conservation on Greenidge Generation* (Apr. 17, 2021), <https://www.dec.ny.gov/press/122827.html> (emphasis added).

²²⁵ DEC, Commissioner Basil Seggos, @BasilSeggos, Twitter, (Sept. 8, 2021), <https://twitter.com/basileggos/status/1435724739352449025>.

²²⁶ 6 NYCRR § 617.5(c)(32) (emphasis added).

C. Significant Air Emissions Impacts from Proof-of-Work Cryptocurrency Mining Are Not Justified, and Require a Full Type I SEQRA Review.

The Facility's air impacts are not justified.²²⁷ The description of the Applicant's new operations in the Form S-1 Registration Statement filed by Greenidge with the Securities and Exchange Commission shows how operations at Greenidge have completely changed since 2016 when the existing permits were issued.²²⁸ The Form S-1 states that:

“Our approximately 106 megawatt (“MW”) natural gas power generation facility powered approximately 41 MW of Bitcoin mining capacity as of July 31, 2021. . . . Additionally, between August 1 and September 15, 2021, we placed [an order] for an additional 11,500 S19j Pro Bitmain Antminers. . . . With the full deployment of these new miners, our total fleet is expected . . . to utilize approximately 95 MW of electricity.”²²⁹

DEC gave no consideration to the possibility of Bitcoin mining in its Amended Negative Declaration covering the 2016 air permits issued on June 28, 2016. The Facility operates with a completely different business model than the model described in the Amended Negative Declaration. Specifically, in assessing the “Impact on Energy” of reactivating the Greenidge Facility, DEC declared:

“[T]he re-activation of . . . the plant itself **will not create a new demand for energy**. Rather, it will serve as another facility to help meet the current electricity demands of the region. As a result, the plant will have no significant adverse impacts in increasing the use of energy.”²³⁰

(emphasis added.) This rationale for deciding not to require the Applicant to undertake a more thorough investigation into the proposed facility's environmental impacts and ways to mitigate them was invalidated by the Applicant's decision to convert its facility to a Bitcoin mining operation. In direct conflict with DEC's finding that the Facility would “not create a new

²²⁷ See generally, NBS News, *Some Locals Say a Bitcoin mining operation is ruining one of the Finger Lakes. Here's How* (July 5, 2021), <https://www.nbcnews.com/science/environment/some-locals-say-Bitcoin-mining-operation-ruining-one-finger-lakes-n1272938>; Grist, *This power plant stopped burning fossil fuels. Then Bitcoin came along*. (May 6, 2021), <https://grist.org/technology/Bitcoin-greenidge-seneca-lake-cryptocurrency/>; Spectrum News, *Gillibrand calls on EPA to help decide if Greenidge Generation can keep running on shore of Seneca Lake*, (Sept. 9, 2021), <https://spectrumlocalnews.com/nys/rochester/news/2021/09/09/finger-lakes--greenidge-generation-comes-under-fire>; Treichler Law Office, *Water Use Issues at Greenidge Generating Station*, <https://treichlerlawoffice.com/water/greenidge/index.html>.

²²⁸ Greenidge Generation Holdings Inc., Sec. & Exch. Comm'n, *Form S-1 Registration Statement* (Oct. 5, 2021), <https://sec.report/Document/0001193125-21-291578/>.

²²⁹ *Id.* at 1, 80.

²³⁰ SEQRA Part 3, Full Environmental Assessment Form Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance, DEC Application #8-5736-00004/00001m /00016, and /00017 at 3 (June 28, 2016); Scott E. Sheeley, DEC Regional Permit Administrator, State Environmental Quality Review Act, *Transmittal of Amended SEQRA Negative Declaration* (June 28, 2016).

demand for energy,” the project now utilizes a significant amount of the electricity that it generates for proof-of-work cryptocurrency mining.

The 95 MW of usage projected in the Company’s Form S-1 is 333 times the maximum usage anticipated by DEC in 2016. The maximum energy DEC assumed would be used by Greenidge in 2016 is shown in the Environmental Assessment Form, Part 2 prepared by DEC as a basis for the 2016 Amended Negative Declaration.²³¹ The 2016 Environmental Assessment Form, Part 2 states that the proposed action will not utilize more than 2,500 MWh per year of electricity.²³² In comparison, the Facility’s current projected usage of 95 MW per hour equates to 832,200 MWh per year.

Perhaps as a result of DEC’s assumption that the Facility would only operate intermittently after it was repowered and would only use a small fraction of its generating capacity, appropriate scrutiny was not applied to a number of potential impacts of restarting the Facility in making its 2016 SEQRA review. These failures are demonstrated in the 2016 Amended Negative Declaration and include the failure to adequately assess potential climate change and GHG emission impacts as described above, the failure to adequately assess potential impacts on natural resources in Seneca Lake and local aquifers, and the failure to adequately assess potential negative impacts on community character, including noise impacts.

D. The Significant Changes in Operations at the Facility Significantly and Adversely Impact Nearby Water Sources, Which Are Not Justified, and Require a Full Type I SEQRA Review.

The Applicant is permitted to discharge 134 million gallons of water daily into Seneca Lake at temperatures of *up to 108 degrees Fahrenheit*.²³³ This thermal pollution endangers the Kueka outlet and the Seneca Lake—impacting health and wildlife habitability, including but not limited to migration and loss of biodiversity, oxygen depletion, direct thermal shock, and changes in dissolved oxygen.²³⁴

Under their water permit, the Applicant is required to incorporate fisheries protection measures and ensure that they “annually reduce the impingement mortality of all life stages of fish by at least 95 percent.”²³⁵ The Applicant’s study plan began in April 2017 and concluded in October 2019. In November 2020, the Applicant submitted their technology installation & operation plan. Over four years has passed since the Applicant was granted that limited study period, yet protections have not been implemented. The direct and indirect harms to aquatic

²³¹ SEQRA Part 2, *Full Environmental Assessment Form Identification of Potential Project Impacts*, DEC Application #8-5736-00004/00001m /00016, and /00017 (June 28, 2016).

²³² *Id.* at 8.

²³³ Greenidge, *Water Withdrawal*, DEC Permit No. 8-5736-00004/00015.

²³⁴ Renee Cho, *Bitcoin’s Impacts on Climate and the Environment*, Columbia Climate School: State of the Planet (Sep. 20, 2021), <https://news.climate.columbia.edu/2021/09/20/Bitcoins-impacts-on-climate-and-the-environment/>; See also generally, Gail T. Shiomoto and Betty H. Olson, *Thermal Pollution Impact Upon Aquatic Life*, 41, 3 J. of Env. Health, 132-39 (1978), <http://www.jstor.org/stable/44547838>.

²³⁵ ASA Analysis & Commc’n, Inc., *Greenidge Generating Facility Technology Installation & Operation Plan at 1-2*, (Nov. 2020).

life throughout this period is significant and yet another reason the plant's significant changes in operations are not justified.

Although the 2016 Amended Negative Declaration stated that the Applicant's SPDES permit needed to be renewed and a water withdrawal permit issued,²³⁶ the Facility began operations in the spring of 2017 without DEC having renewed the SPDES permit or DEC having issued a water withdrawal permit. These permits were not issued until September 2017, months after the Facility began operations. The 2016 Amended Negative Declaration states that:

“The Department also proposes to renew and modify the facility's existing SPDES permit to incorporate requirements to install cylindrical wedge wire intake screens on the plant's cooling water intakes and install variable speed cooling water pumps on Unit 4 as “Best Technology Available” to address requirements under the federal Clean Water Act to reduce fish mortality (i.e., impingement and entrainment).”²³⁷

However, when DEC issued a renewed SPDES permit in September 2017, DEC gave a lengthy period for the Applicant to come into compliance with the Clean Water Act requirements. There is no specific date provided in the permit for when technology to prevent fish impingement and entrainment must be installed at the Facility.

DEC's Biological Fact Sheet on the Cooling Water Intake Structure for the Facility, confirms that the plant's “cooling water intake structure lacks any fish protection technology, therefore the facility does not meet either the requirements of 6 NYCRR § 704.5 nor the requirements of the CWA § 316(b) Phase II Rule (40 CFR Parts 122 and 125).”²³⁸ To date, no cylindrical wedge wire intake screens have been installed on the plant's cooling water intake pipe and the Facility has confirmed that the variable speed cooling water pumps it has installed are always run at full capacity. The reason why cylindrical wedge wire intake screens have not yet been installed on the plant's cooling water intake pipe and the variable speed cooling water

²³⁶ A water withdrawal permit was required pursuant to the Water Resources Protection Act of 2011, Environmental Conservation Law, Article 15. Title 15 which was enacted after Greenidge became inactive in 2011. Despite objections from local environmental groups, DEC treated Greenidge as an existing plant and not as a new facility for purposes of applying the water withdrawal permitting requirements. Because DEC decided to treat Greenidge as an existing facility, DEC claimed that it did not need to make the environmental impact assessments required by the water withdrawal permitting law, and DEC did not make those assessments.

²³⁷ Scott E. Sheeley, DEC Regional Permit Administrator, State Environmental Quality Review Act, *Transmittal of Amended SEQR Negative Declaration* at 15 (June 28, 2016).

²³⁸ William C. Nieder, DEC, *Biological Fact Sheet on the Cooling Water Intake Structure for Greenidge Station* at 2 (March, 17 2017), <https://treichlerlawoffice.com/water/greenidge/2017-9-7%20Biological%20Fact%20Sheet%20-%20Cooling%20Water%20Intake%20Structure.pdf> (emphasis added).

pumps are always run at full capacity is indicated by the studies done by AES in 2006-2007, and reported in 2010.²³⁹ These studies point out that:

“The Unit 4 intake, alternatively, is atypical in that it relies on suction to convey water from the lake, through the elevated intake pipe, and on to the circulating water pumps. This configuration does not allow for any type of componentry, including traveling screens, that would interrupt the suction upstream of the circulating water pumps. A result of this configuration is that fish (potentially including eggs, larvae, juveniles, and adults) that enter the Unit 4 cooling water intake are ultimately entrained through the facility.”²⁴⁰

²³⁹ Henningson, Durham & Richardson Architecture & Engineering, P.C. & HDR Engineering, Inc., *AES Greenidge Generation Station 2006-2007 Finfish Community and Waterbody Studies* at 2 (Apr. 29, 2010), https://treichlerlawoffice.com/water/greenidge/finfishstudy2006_2007_2010.pdf. This study constitutes Appendix III to the *AES Greenidge Generating Station Impingement and Entrainment Characterization Study*, prepared by Henningson, Durham & Richardson, April 29, 2010 (I&E Study), <https://treichlerlawoffice.com/water/greenidge/2010%20Greenidge%20I&E%20study.pdf>, see generally page 3.

²⁴⁰ Henningson, Durham & Richardson Architecture & Engineering, P.C. & HDR Engineering, Inc., *AES Greenidge Generation Station AES Greenidge Generating Station Impingement and Entrainment Characterization Study* at 2-3 (Apr. 29, 2010), <https://treichlerlawoffice.com/water/greenidge/2010%20Greenidge%20I&E%20study.pdf>.

The following diagram of the depth of the shallow bay in which the Greenidge intake pipe is located illustrates the problem Greenidge faces in trying to install “any type of componentry” to reduce fish impingement and entrainment and still maintain suction sufficient to draw water through intake pipe.²⁴¹

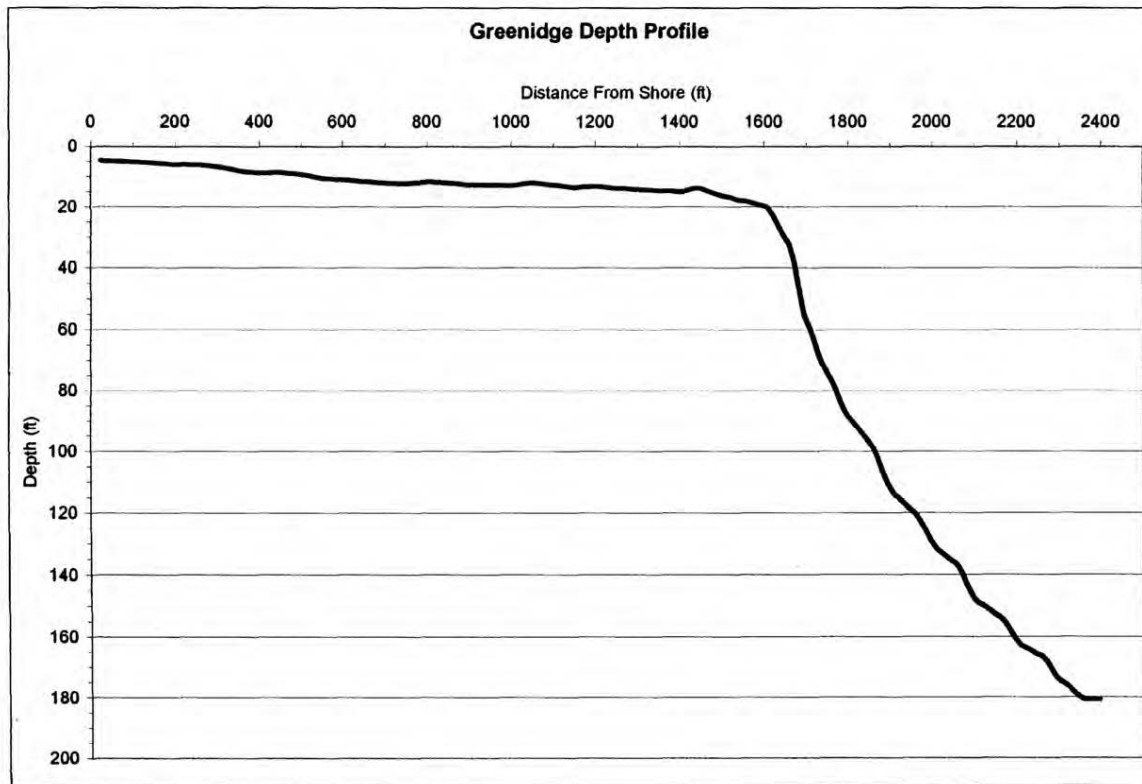


Figure 37 - Depth Profile for Seneca Lake in the Vicinity of AES Greenidge Generating Station Based on 2007 Sampling

²⁴¹ *Id.* at 3.

Without any components installed, it is difficult to measure fish impingement and entrainment, but, considering that the water withdrawal permit issued to the Facility is one of the largest water withdrawal permits issued in New York State and is significantly larger than all the other water withdrawal permits issued on Seneca Lake combined,²⁴² and that the Facility is now operating 24/7, fish impingement and entrainment is likely to be massive and far beyond what was contemplated when DEC envisioned that the Facility would operate only a few days a year. This analysis has never been done, and needs to be completed under SEQRA before any permits are issued.

E. The Significant Changes in Operations at the Facility Significantly and Adversely Impact Nearby Community Character and Have Tremendous Noise Impacts, Which Are Not Justified, and Require a Full Type I SEQRA Review.

No consideration at all was given in the 2016 Amended Negative Declaration to potential community character and noise impacts. The 2016 Environmental Assessment Form, Part 2 incorrectly states that the proposed action will not result in an increase in noise.²⁴³ Yet when the electrical contractor tried to install computers into cargo containers placed outside the Facility in 2020, it was discovered that the noise from operating the computers outside the Facility would far exceed permitted decibel levels.²⁴⁴ The computers were then installed inside the plant. Now that the Applicant has squeezed as many computers as possible inside the plant,²⁴⁵ they are again planning to build outside the Facility in order to expand. The site plan application approved by the Town of Torrey shows that Greenidge is planning to build four buildings on the grounds outside the generating station and construction recently started.²⁴⁶

²⁴² DEC does not provide lists of water withdrawal permits, but provides information on individual water withdrawal permits in its permit application database, <https://www.dec.ny.gov/cfm/xtapps/envapps/index.cfm>. Water Withdrawal Annual Reports are shown on the DEC info Locator at <https://gisservices.dec.ny.gov/gis/dil/>.

²⁴³ SEQRA, *Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts at 8* (June 28, 2016).

²⁴⁴ Maloney, *Bitcoin Mining Helps Boost a Growing Data Center Market*, Engineering News-Record (Nov. 18, 2020), <https://www.enr.com/articles/50762-Bitcoin-mining-helps-boost-a-growing-data-center-market>. (“The original plan was to install mining rigs in customized cargo containers outside the generating plant, but after three units were installed, the owners realized the noise far exceeded permitted decibel levels. Instead, the O’Connell team would need to fit all the needed gear inside the existing footprint of the power plant . . .”).

²⁴⁵ Photographs showing how computers have been squeezed throughout the old generating station are posted in the article cited in note 38. See also video tour of the Greenidge plant, Committee to Preserve the Finger Lakes, Facebook (reposted Mar. 5, 2021, original post Feb. 28, 2021), <https://www.facebook.com/groups/ctpfl/permalink/5226704354038759/>.

²⁴⁶ Dale Irwin, *Town of Torrey: Site Plan Review—Permit Application* (June 30, 2020), <https://preservethefingerlakes.org/pfl/wp-content/uploads/2020/10/2020-6-30-Site-plan-review-Permit-application-3.pdf>.

The noise impacts from proof-of-work cryptocurrency mining are well-documented.²⁴⁷ And as described in the Form S-1, the Applicant plans to install thousands of additional computers into these buildings.²⁴⁸ This is likely to result in substantial increases in noise that may exceed permitted decibel or nuisance levels. The noise impacts at the Facility need to be examined and they were not examined before the air permits were issued.

F. Safety Issues Should Be Examined Due to the Significant Changes in Operations at the Facility.

The potential fire and safety impacts from proof-of-work cryptocurrency mining at the Facility should be examined further.²⁴⁹ These potential impacts were not examined before the air permits were issued.

* * * * *

In these circumstances, air permits must be denied because DEC's Type II determination is incorrect and no SEQRA review has been conducted of the current material change in operations at the Facility. For all the reasons above, the material physical changes and changes in operations at the Facility must be reviewed under SEQRA. Because they have not, the permits must be denied.

²⁴⁷ See, e.g., Jeff Keeling, *Professor: Bitcoin mining's model brings not just noise, but environmental cost that's under scrutiny*, WJHL (May 18, 2021), <https://www.wjhl.com/news/local/professor-Bitcoin-minings-model-brings-not-just-noise-but-environmental-cost-thats-under-scrutiny/>; Robert Houk, *Officials Press Bitcoin Company To Find A Solution To Noise Issues*, Johnson City Press (Aug. 23, 2021), https://www.johnsoncitypress.com/news/officials-press-Bitcoin-company-to-find-a-solution-to-noise-issues/article_78e62c44-0434-11ec-af1c-bf43ccb2b545.html; Andy Koen, *Noise Complaint Over Crypto Mining Business Led City To Buy New Equipment*, KOAA News, KOAA News (July 26, 2019), <https://www.koaa.com/news/covering-colorado/noise-complaint-over-crypto-mining-business-led-city-to-buy-new-equipment>; Andy Fox, *What's That Noise? One Of World's Largest Bitcoin Facilities Is Too Loud, VB Neighbors Say*, Wavy (Aug. 15, 2018), <https://www.wavy.com/news/whats-that-noise-one-of-worlds-largest-Bitcoin-facilities-is-too-loud-vb-neighbors-say/>; The Local, *Norway Council may shut down noisy Bitcoin miner* (Aug. 21 2018) <https://www.thelocal.no/20180821/norway-council-may-shut-down-noisy-Bitcoin-miner/>.

²⁴⁸ Greenidge Generation Holdings Inc., Sec. & Exch. Comm'n, *Form S-1 Registration Statement* at 104 (Oct. 5, 2021), <https://sec.report/Document/0001193125-21-291578/>.

²⁴⁹ See, e.g., Nerman Hajdarbegovic, *Fire Destroys Thai Bitcoin Mining Facility*, CoinDesk (Nov. 16, 2014), <https://www.coindesk.com/markets/2014/11/06/gallery-fire-destroys-thai-bitcoin-mining-facility/>; Sarah Coble, *OVH Data-Center Fire Impacts Cyber-Criminals* (Mar. 15, 2021), <https://www.infosecurity-magazine.com/news/ovh-data-center-fire-impacts/>; Richard Hartley-Parkinson, *Bitcoin Mining Believed to Be Behind Huge Fire in Block of Flats*, Metro (Feb. 9, 2018), <https://metro.co.uk/2018/02/09/bitcoin-mining-believed-behind-huge-fire-block-flats-7298294/>; Anthony Cuthbertson, *Bitcoin Mining Mega Farm Burns Down in China, Destroying \$10M of Cryptocurrency Machines*, Independent (Oct. 1, 2019), <https://www.independent.co.uk/life-style/gadgets-and-tech/news/bitcoin-mining-farm-china-fire-cryptocurrency-innosilicon-a9128246.html>. See also Sarah DeWeerd, *Cryptocurrency Mining Harms Human Health as Surely as Traditional Mining* (Nov. 26, 2019), <https://www.anthropocenemagazine.org/2019/11/the-increasing-toll-of-cryptocurrency-mining-on-climate-and-human-lives/>.

G. The Additional 120-Day Review Period for Any Purposed Mitigation Plan Is Unlawful and Defeats Informed Public Review and Comment Procedures.

Finally, in its draft Title V permit DEC suggests that the Applicant can provide a mitigation plan within 120 days of the issuance of that permit. As stated in Section II(B) above, the CLCPA mandates state agencies, *when reviewing permits*, to consider whether the agency decision is “inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in [the CLCPA].” DEC cannot ensure that the Applicant’s mitigation practices are consistent with the CLCPA if they review the proposed solutions after the permit has been granted.

In addition to this 120-day period being non-compliant with the express terms of the CLCPA, it also violates SEQRA, which requires all environmental impacts to be explored and documented for a fulsome review. Allowing material information to come in 120 days after a permit is issued is an impermissible action by DEC.

IV. SUBSTANTIVE AND SIGNIFICANT ISSUES HAVE BEEN RAISED THAT MERIT AN ADJUDICATORY HEARING.

For all the reasons described above, DEC should deny the Title V permit. If the agency is not ready to deny the permit at this stage, the agency must refer this matter for an adjudicatory hearing because “comments received from members of the public or other interested parties raise substantive and significant issues relating to the application, and resolution of any such issue may result in denial of the permit application, or the imposition of significant conditions thereon.”²⁵⁰

²⁵⁰ 6 NYCRR § 621.8(b).

DEC itself has stated:

“As part of DEC’s aggressive oversight of this facility and their compliance with our stringent regulatory requirements, DEC is closely monitoring the operations of Greenidge Generation, a bitcoin mining operation in Torrey, New York, and current proposals for its expansion. In addition to ensuring continued compliance with DEC’s current permits for the facility, **DEC will ensure a comprehensive and transparent review of its proposed air permit renewals with a particular focus on the potential climate change impacts and consistency with the nation-leading emissions limits established in the Climate Leadership and Community Protection Act. As the greenhouse gas emissions associated with this type of facility may be precedential** and have broader implications beyond New York’s borders, DEC will consult with the U.S. EPA, the Climate Action Council, and others as we thoroughly evaluate the complex issues involved.”²⁵¹

As mentioned earlier, both Senator Gillibrand and Senator Schumer, as well as numerous state legislators, have sent letters concerning the substantive and significant environmental impacts from the material change in operations at the Facility that require full assessment.

The strong opposition raised by the public at the public hearings on the Draft Title V permit on September 13, 2021, also raise substantive and significant issues. These comments elaborate on those issues, *i.e.*, the Facility’s inconsistency with the CLCPA, the failure of the company to justify the project in light of those inconsistencies, the infeasibility and inadequacy of the alternatives and mitigation measures proposed by the Applicant, as well as important questions about the Facility’s compliance with the Clean Air Act, and the fact that Facility has never undergone a full SEQRA review, all of which are important questions of law and fact.

The resolution of any one of these issues “may result in denial of the permit application, or the imposition of significant conditions thereon,”²⁵² and the commenters have above “explain[ed] the basis of [their] opposition and identif[ied] the specific grounds which could lead the department to deny or impose significant conditions on the permit.”²⁵³ As such, the agency is obligated to make a referral so long as comments have raised issues that “*may* result” in the denial or modification of the permit, or if comments have simply raised “sufficient doubt about the applicant’s ability to meet statutory or regulatory criteria applicable to the project, such that a reasonable person would require further inquiry.”²⁵⁴ The permit

²⁵¹ DEC, *Statement from the New York State Department of Environmental Conservation on Greenidge Generation* (Apr. 17, 2021), <https://www.dec.ny.gov/press/122827.html> (emphasis added).

²⁵² 6 NYCRR § 621.8(b); *see also id.* § 624.4(c)(3).

²⁵³ *Id.* § 621.8(d).

²⁵⁴ *Id.* § 624.4(c)(2).

should be denied in the interim period so that current operation, construction, and expansion at the Facility ceases.

CONCLUSION

These comments are neutral as to the cryptocurrency industry and to blockchain technology innovation.²⁵⁵ These comments are focused solely on the harmful impacts from large, fossil-fueled energy generation systems that mine proof-of-work cryptocurrency 24 hours a day, 365 days a year to the detriment of the local community and the climate. The new, huge amounts of GHG emissions from the proof-of-work mining operations at the Greenidge Facility is a significant threat to the state's and nation's transition to clean energy that is urgently needed to prevent the worst impacts of climate change on our communities and local economies.

For all the foregoing reasons, DEC should (1) void the Facility's prior permit issuance, including its Clean Air Act construction approval, and require Greenidge to apply for new Clean Air Act NSR and Title V air permits as though it were yet to be constructed (2) deny the draft and Title V air permit as noncompliant with the CLCPA, and (3) require the Applicant to cease operations until it undergoes a fulsome SEQRA analysis that accounts for the substantial increase in energy demand resulting from the everyday use of the Facility for the energy-intensive purpose of mining Bitcoin rather than serving any existing limited existing local energy needs.

²⁵⁵ United Nations, *7 Ways Blockchain Can Stop Climate Change & Save the Environment*, YouTube (Sept. 8, 2017), <https://www.youtube.com/watch?v=58xtN6Dw8kw> (discussing how blockchain can help fight climate change); United Nations, U.N. Econ. Dev., *Sustainability Solution Or Climate Calamity? The Dangers And Promise Of Cryptocurrency Technology* (June 20, 2021), <https://news.un.org/en/story/2021/06/1094362>; IBM, *Benefits of Blockchain*, <https://www.ibm.com/topics/benefits-of-blockchain>.

Respectfully submitted,

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Ithaca, NY 14850

Exhibit B

Subject: Re: Request for Documents and for Extension of Comment Period on Lockwood SPDES Permit Application 8-5736-00005/00001 - SPDES NY0107069

From: Rachel Treichler <rt@treichlerlawoffice.com>

Date: 12/20/2021, 3:14 PM

To: "Merchant, Kimberly (DEC)" <kimberly.merchant@dec.ny.gov>

CC: Kate Bartholomew <ecogreenwolf@gmail.com>, "Roger.Downs@sierraclub.org" <roger.downs@sierraclub.org>, Abi Buddington <abibuddington@yahoo.com>, "gasfreesenecagirl@gmail.com" <gasfreesenecagirl@gmail.com>, Peter Gamba <pgamba1007@aol.com>, Bill Mattingly <mattinglywb@stny.rr.com>, "Brian B. Eden" <bbe2@cornell.edu>, "Loew, Dudley D (DEC)" <dudley.loew@dec.ny.gov>, "Haley, Thomas P (DEC)" <thomas.haley@dec.ny.gov>

Hi Kim,

I don't see the EAF Parts 1, 2 and 3 in these documents. Wouldn't the EAF Part 1 be part of the application materials? Also we need to see the EAF Parts 2 and 3 to understand DEC's SEQRA determination.

Thanks!

Rachel

On 12/15/2021 2:47 PM, Merchant, Kimberly (DEC) wrote:

Rachel, here is a corrected draft permit (the address changed), the original application form and cover letter, and various resubmittals.

Thanks. Kim

From: Merchant, Kimberly (DEC)

Sent: Tuesday, December 14, 2021 1:13 PM

To: Rachel Treichler <rt@treichlerlawoffice.com>

Cc: Kate Bartholomew <ecogreenwolf@gmail.com>; Roger.Downs@sierraclub.org; Abi Buddington <abibuddington@yahoo.com>; gasfreesenecagirl@gmail.com; Peter Gamba <pgamba1007@aol.com>; Bill Mattingly <mattinglywb@stny.rr.com>; Brian B. Eden <bbe2@cornell.edu>; Loew, Dudley D (DEC) <dudley.loew@dec.ny.gov>; Haley, Thomas P (DEC) <thomas.haley@dec.ny.gov>

Subject: RE: Request for Documents and for Extension of Comment Period on Lockwood SPDES Permit Application 8-5736-00005/00001 - SPDES NY0107069

Rachel, thank you for letting me know the SPDES permit is not on the web page yet. I will check into it today.

Here is the, complete notice, draft permit and Fact Sheet. I will send you the application materials shortly.

The other documents need to be requested through FOIL.

Please note that any further communications should be directed to Dudley Loew.

Thanks. Kim

Kimberly Merchant

Deputy Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

6274 E. Avon-Lima Rd, Avon, NY, 14414

P: (585)226-5392 | F: (585)226-2830 | kimberly.merchant@dec.ny.gov

www.dec.ny.gov |  |  | 

From: Rachel Treichler <rt@treichlerlawoffice.com>

Sent: Monday, December 13, 2021 1:13 PM

To: Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>; dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>

Cc: Kate Bartholomew <ecogreenwolf@gmail.com>; Roger.Downs@sierraclub.org; Abi Buddington <abibuddington@yahoo.com>; gasfreesenecagirl@gmail.com; Peter Gamba <pgamba1007@aol.com>; Bill Mattingly <mattinglywb@stny.rr.com>; Brian B. Eden <bbe2@cornell.edu>

Subject: Request for Documents and for Extension of Comment Period on Lockwood SPDES Permit Application 8-5736-00005/00001 - SPDES NY0107069

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Kim,

Would you be so kind as to email me a copy of the draft permit and fact sheet announced in the ENB notice below for the renewal and modification of the Lockwood SPDES permit? I checked again this morning and the draft permit is not posted on the website linked below. I also request copies of the application, the notice of complete application, EAF Parts 1, 2 and 3, the most recent Lockwood Environmental Management Plan, the most recent engineering report, the most recent MMR report, the most recent EMR report and the most recent Part 360 annual report. Is it easier for you if I request these documents through a FOIL request, or is it OK to submit this request to you pursuant to the ENB notice?

I request that the comment period be extended for 30 days to give members of the public time to review these materials and make informed comments on the proposed permit.

Thank you,

Rachel

Law Office of Rachel Treichler
7988 Van Amburg Road
Hammondsport, NY 14840
607-569-2114

<http://treichlerlawoffice.com>

https://www.dec.ny.gov/enb/20211208_reg8.html#857360000500001

ENB Region 8 Completed Applications 12/08/2021

Region 8 SPDES Renewals

Yates County

Applicant:

Lockwood Hills LLC

590 Plant Rd

PO Box 187

Dresden, NY 14441

Facility:

Lockwood Ash Disposal Landfill

Swarthout Rd

Torrey, NY 14527

Application ID:

8-5736-00005/00001

Permit(s) Applied for:

Article 17 Titles 7 & 8 Industrial SPDES - Surface Discharge

Project is Located:

Torrey, Yates County

Project Description:

Lockwood Hills LLC submitted a permit application to renew and modify the permit to reflect implementation of a consent order and to add internal outfalls for sediment basins, for the Lockwood Ash Disposal Landfill SPDES Permit, which authorizes the existing discharge of treated leachate and stormwater from the landfill, located at Swarthout Road (across from the Greenidge Power Plant) which accepts coal combustion byproducts and water treatment sludge for landfill disposal. The Department has made a tentative determination to renew and modify the SPDES permit. The current treatment system was updated in 2019 to segregate stormwater from the leachate pond (Outfall 001) through the use of new sediment basins (Outfalls 002 & 003). Both sediment basins now receive contact stormwater, as well as non-contact stormwater. All runoff from active areas of the Landfill where precipitation may come in contact with the waste is collected by the leachate collection and removal system and routed to the Treatment Pond. Discharges from the Treatment Pond and both Sediment Basins now combine in a sediment trap before discharging offsite to the Keuka Lake Outlet (a Class C(T) stream). Leachate is treated in the Treatment Pond through the incorporation of the step aerator at its inlet and settling within the Pond itself. The aerator increases dissolved oxygen concentration of the leachate to promote the oxidation of ferrous iron to iron hydroxide precipitate.

The draft renewed and modified permit adds new effluent limitations for stormwater discharges from the new Outfalls 002 & 003, BMP requirements, monitoring for color for Outfall 001, a 12 month rolling average limitation for mercury; and updates the Copper limitation to WQBEL for

Outfall 001, sampling frequency for the leachate pond (Outfall 001) to once per discharge event and every 14 days within a single event, WET testing action levels based on new dilution ratio with sampling during years ending in 3 and 8 (for Outfall 001), as well as, updated outfall designations, stormwater requirements, flow diagrams, etc.

Also, the groundwater monitoring program requirements were removed from the permit as they are now covered under the Environmental Management Plan as part of the Part 360 series Permit for the facility.

Requests for a legislative (public statement) hearing must be sent in writing to the DEC contact person below by the comment deadline. The Department assesses such requests pursuant to 6 NYCRR Section 621.8.

The draft permit and fact sheet may be viewed and printed from the Department website at: <https://www.dec.ny.gov/permits/6054.html>. Refer to this application by application number listed above and SPDES NY0107069.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination:

Project is not subject to SEQR because it is a Type II action.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

Coastal Management:

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Opportunity for Public Comment:

Comments on this project must be submitted in writing to the Contact Person no later than Jan 07, 2022.

Contact:

Kimberly A Merchant
NYSDEC Region 8 Headquarters

6274 E Avon-Lima Rd
Avon, NY 14414
(585)226-2466
DEP.R8@dec.ny.gov

Exhibit C

6 CRR-NY 363-4.4
NY-CRROFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER IV. QUALITY SERVICES
SUBCHAPTER B. SOLID WASTES
PART 363. LANDFILLS
SUBPART 363-4. PERMIT APPLICATION REQUIREMENTS6 CRR-NY 363-4.4
6 CRR-NY 363-4.4

363-4.4 Hydrogeologic investigation report.

(a) A hydrogeologic investigation report is required and must contain the following:

(1) a description of the geology and hydrology of the existing or the facility in sufficient detail to determine the suitability of the site for the disposal of waste. The report must be submitted under the stamp and signature of a professional geologist or professional engineer licensed and currently registered to practice in the State of New York. The scope and extent of the hydrogeologic investigation must be based on the hydrogeologic complexity of the site and the ability of the site to restrict contaminant migration, and include:

- (i) an understanding of groundwater and surface water flow and how it relates to local and regional patterns, including a groundwater table elevation map with groundwater flow direction calculated from hydraulic head measurements;
- (ii) a definition of the critical stratigraphic section;
- (iii) the establishment of an environmental monitoring system capable of readily detecting a contaminant release from the facility; and
- (iv) a description of the engineering properties of the site, which provide the basis for the design and construction of the facility including contingency plans relating to groundwater or surface water contamination or gas migration;

(2) raw field data, analytical calculations, maps, flow nets, cross sections, interpretations (with alternative interpretations where applicable), and conclusions. All maps, drawings and diagrams must have a minimum scale of 1:24,000, unless otherwise approved by the department. The description must include:

- (i) regional geology. A discussion of the regional geology demonstrating how the regional geology relates to the facility's geology and the location of nearby sensitive environments must include:
 - (a) bedrock stratigraphy and structural geology, including formation and member names, geologic ages, rock types, thicknesses, the units' mineralogical and geochemical compositions and variabilities, rock fabrics, porosities, bulk permeabilities, and other distinctive features;
 - (b) glacial geology, including a discussion of the formation, timing, stages, and distribution of glacial deposits, advances and retreats, and hydrologic characteristics of the surficial deposits, such as kames, eskers, outwash moraines, etc.;
 - (c) major topographic features, their origin and their influence upon drainage basin characteristics; and
 - (d) surface water and groundwater hydrologic features, including surface drainage patterns, recharge and discharge areas, wetlands and other sensitive environments, inferred regional groundwater flow directions, aquifers, aquitards and aquicludes, primary water supply and principal aquifers, public water supply wells, and private water supply wells identified in the water supply well survey; any known peculiarities in surface water and groundwater geochemistry; and any other relevant features;
- (ii) facility geology. Hydrogeologic conditions at the facility in three dimensions and their relationship to the proposed facility. The report must:
 - (a) define site geology, surface water and groundwater flow, and must relate site specific conditions to the regional geology;

(b) describe the potential impact the facility may have on surface and groundwater resources and other receptors, including changes in hydrogeologic conditions that may occur with site development, and the potential for and effects of off site contaminant migration;

(c) describe hydrogeologic conditions in sufficient detail to construct a comprehensive understanding of groundwater flow that can be quantified and verified through hydrologic, geochemical, and geophysical measurements;

(d) provide sufficient data to specify the location and sampling frequency for environmental monitoring points, form the basis for contingency plans regarding groundwater and surface water contamination and explosive gas migration, and support the design of the facility;

(e) specifically discuss all units in the critical stratigraphic section. This evaluation must include maps, cross sections, other graphical representations, and a detailed written analysis of the following:

(1) all hydrogeologic units (e.g., aquifers, aquitards and aquicludes), and how they relate to surface water and groundwater flow. This must include all hydrogeologic data collected during the site investigation and explain and evaluate the hydrologic and engineering properties of the site and each specific unit; and

(2) local groundwater recharge and discharge areas, high and low groundwater tables and potentiometric surfaces for each hydrogeologic unit, vertical and horizontal hydraulic gradients, groundwater flow directions and velocities, groundwater boundary conditions, surface water and groundwater interactions, and an evaluation of existing water quality.

(b) Any aspect of the site investigation that deviates from these requirements of this section must be identified and justified in the site investigation report and must be approved by the department.

(c) The applicant must employ current, standard, and generally accepted procedures in obtaining the required hydrogeologic information.

(1) The department may approve of alternative or innovative methods; however, the department may initially require redundant technologies to prove the reliability of a new method.

(2) A professional geologist licensed and currently registered to practice in the State of New York State, having experience in similar hydrogeologic investigations, must supervise all procedures in a manner that ensures the accuracy of the data and precludes environmental degradation.

(3) The location of all installations, geophysical and geochemical surveys, and seismic lines for the proposed investigation must be shown on a map with the same scale and coordinate grid system used in the application.

(d) Literature search.

A comprehensive search for pertinent and reliable information concerning regional and site-specific hydrogeologic conditions is required. The literature search must include, as available, records and reports of the Department of Health, the Department of Transportation, the U.S. Soil Conservation Service, and the New York State Geological Survey; basin planning reports, groundwater bulletins, water supply papers, professional papers and other open file reports of the U.S. Geological Survey; bulletins, circulars, map and chart series, memoirs and other publications of the New York State Geologic Survey; publications and bulletins of the Geological Society of America and other professional organizations; publications of the EPA and the department; college and university reports; and aerial photography and remotely sensed imagery.

(e) Surficial geologic mapping.

The facility must be mapped to determine the distribution of surficial deposits on and surrounding the site based on information from the hydrogeologic investigation, field evaluations, and field confirmation of all interpretations made on the site itself. The surficial geological map must be submitted under the stamp and signature of a professional geologist or professional engineer licensed and currently registered to practice in the State of New York.

(f) Test pits.

Test pits may be used to determine shallow stratigraphy. The test pits must be logged by a professional geologist or engineer licensed to practice in the State of New York, and with experience in similar hydrogeologic investigations. Logs must be kept and include: elevations; surface features before excavation; depth of the test pit and of all relevant horizons or features; moisture content of units; standard soil classifications, stratigraphy, soil structure, bedrock lithology, and brittle or secondary structures in soil and bedrock; active seepage; and a sketch showing these features for each test pit. Test pits must be promptly backfilled and compacted with the excavated materials. The department may require that undisturbed soil samples be taken and tested in accordance with paragraph (l)(2) of this section.

(g) Water well surveys.

A survey of public and private water wells within one mile downgradient and one quarter mile upgradient of the facility must be conducted. Surveys must obtain, where available, the location of wells, which must be shown on a map with their approximate

elevation and depth, name of owner, age and usage of the well; stratigraphic unit screened; well construction; static water levels; well yield; perceived water quality; and any other relevant data that can be obtained.

(h) Geophysical and geochemical surveys.

The department may require the use of geophysical and geochemical methods, such as electromagnetic, resistivity, seismic surveys, remote sensing surveys, downhole geophysics, isotope geochemistry, and soil gas analysis to justify the interpretations and conclusions of the site investigation report, to provide information between boreholes, and to aid in the siting of wells. The geophysical and geochemical surveys must be submitted under the stamp and signature of a professional geologist or professional engineer licensed and currently registered to practice in the State of New York.

(i) Tracer studies.

The department may require the use of tracer studies to aid in understanding groundwater flow, including:

- (1) where a site overlies limestone or dolostone bedrock or karst environments. Tracer studies must identify areas of groundwater flow from the facility attributed to secondary permeability, any recharge or discharge areas on and surrounding the site, groundwater storage, and seasonal variations of water levels; and
- (2) to monitor sites with existing contamination, in accordance with section 363-5.1(g)(2) of this Part.

(j) Site investigation work plan.

The site investigation work plan must clearly define the scope of the intended investigation, all methods used in investigating the hydrogeologic conditions of the site and any specific hydrogeologic questions to be addressed.

(k) Monitoring wells and piezometers.

(1) General requirements.

- (i) Monitoring wells and piezometers must define the three dimensional flow system within the critical stratigraphic section.
- (ii) Construction techniques must ensure that groundwater samples and water level measurements characterize discrete stratigraphic intervals, and prevent leakage of groundwater or contaminants along the well annulus. If leakage is detected, it must be corrected or the well properly sealed.
- (iii) Monitoring wells and piezometers may be placed individually or as well clusters. Well clusters consist of individual wells at varying depths in close proximity, each installed in its own boring. Multiple wells placed into one large borehole are prohibited unless prior department approval in writing is obtained.
- (iv) Soil borings, soil samples, and rock cores must characterize each stratigraphic unit within the critical stratigraphic section.
- (v) Precautions must be taken during drilling and construction of monitoring wells to avoid introducing contaminants into a borehole. Only potable water of known chemistry may be used in drilling monitoring wells or piezometers unless otherwise approved by the department in writing.
- (vi) All equipment placed into the boring must be properly decontaminated before use and between boreholes. The initial cleaning at the site must ensure that no contaminants from the last site drilled will be introduced into the borings. All equipment must be properly decontaminated between holes.
- (vii) Where possible, upgradient wells should be drilled first.
- (viii) The use of drilling mud must be avoided unless prior department approval is granted in writing. If drilling mud is used, the material used must avoid the introduction of contaminants. Drilling mud must not be used within 10 feet of the screened interval.
- (ix) Air systems and drilling lubricants must not introduce contaminants into the borehole.
- (x) Well borings must have a minimum diameter that is two inches larger than the outside diameter of the well screen and riser to ensure that a tremie pipe may be properly used.
- (xi) Wells and well borings must not be placed through or into waste unless prior department approval has been granted in writing and sufficient safety precautions are employed. If waste is unexpectedly encountered during drilling, then drilling of that boring must cease, the hole must be properly sealed, cuttings properly disposed of and the department notified.

(2) Construction of monitoring wells and piezometers.

- (i) Well screens and risers must be constructed of materials selected to last for the required monitoring period of the facility without contributing contaminants to, or removing contaminants from, the groundwater. All materials used are subject to department approval. Joints, caps, and end plugs are to be secured by either welds, threads with thread seal tape, or force fittings. Solvents and glues or other adhesives are prohibited. Caps must be vented to allow for proper pressure

equalization. The inside diameter of each well screen or riser pipe must be nominally two inches in diameter and must allow for proper development and for surveying and sampling equipment to be used within the screen and casing. A permanent mark should be made at the top of the riser pipe to provide a datum for subsequent water level measurements.

(ii) Well screens are required for all wells and piezometers, unless otherwise approved by the department. All screens used must be factory-constructed non solvent welded/bonded continuous slot wire wrap screens of a material appropriate for long-term monitoring. The slot size of the screen must be compatible with the sand pack. Water table variations, site stratigraphy, expected contaminant behavior, and groundwater flow must be considered in determining the screen length, materials, and position. Where existing contamination is suspected or known, downhole geophysical techniques may be required by the department to aid in selecting well screen elevations.

(iii) The sand pack surrounding the well screen must consist of clean inert siliceous material. Grain size must be based on a representative sieve analysis of the zone to be screened. The sand pack must minimize the amount of fine materials entering the well and must not inhibit water inflow to the well. The sand pack must be placed in the annular space around the well screen and extend above the top of the screen by two feet or 20 percent of the screen length (whichever is greater). In addition, the sand pack must extend six inches below the bottom of the screen. The sand pack material must be placed using an appropriate method and must avoid bridging. Alternative methods of placing the sand pack must be approved by the department in writing. The sand pack must be checked for proper placement. A finer-grained sand pack material (100 percent passing the No. 30 sieve and less than two percent passing the No. 200 sieve) six inches thick must be placed at the top of the sand pack between the sand and the bentonite seal.

(iv) Bentonite must be placed above the sand pack using a tremie or other method approved by the department to form a seal at least three feet thick. A 6- to 12-inch fine-grained sand pack must be placed above the bentonite seal to minimize grout infiltration. If bentonite pellets or chips are used, full hydration of the bentonite is required prior to emplacement of overlying materials.

(v) Grout of cement/bentonite, bentonite, or other suitable, low-permeability material must completely fill the remaining annular space to the surface seal. The grout mixture must set-up without being diluted by formation water, and must displace water in the annular space to ensure a continuous seal. The grout mixture must be placed under pressure using a tremie or other method approved by the department. Auger flights or casing must be left in the hole before grouting to prevent caving. The cement used must be appropriate for the groundwater chemistry of the site.

(vi) A protective steel casing, nominally at least two inches larger in diameter than the well casing, must be placed over the well casing or riser pipe and secured in a surface well seal to adequately protect the well casing. A distinctive, readily visible marker must be permanently attached to or near the protective casing to identify the well and ensure visibility. A drain hole must be drilled at the base of the protective casing. A vent hole must be located near the top of the protective casing to prevent explosive gas build up and to allow water levels to respond naturally to barometric pressure changes. The annulus of the protective casing should be filled with gravel. A locking cap must be installed with a minimum of a one-inch clearance between the top of the well cap and the bottom of the locking cap when in the locked position. A weather-resistant padlock must be placed on the protective casing. Padlock keys must be maintained at the facility and provided to department staff upon request.

(vii) A concrete surface seal designed to last throughout the planned life of the monitoring well must be constructed. The surface seal must extend below the frost depth to prevent potential well damage. The seal must be designed to prevent surface run-off from entering the well casing. In areas where traffic may cause damage to the well, bollards or other suitable protection for the well are required. Any damaged or deteriorated surface seals must be reported to the department and repaired or replaced in an appropriate manner. The department may allow alternate designs when documentation is presented that demonstrates the intent of the regulations are met or exceeded.

(viii) Alternative construction methods for piezometers and wells that are not to be part of the environmental monitoring plan may be approved in writing by the department if those methods meet the requirements set forth in subparagraph (1)(ii) of this subdivision.

(3) Well and piezometer development. All wells and piezometers must be developed as soon as possible after installation, but not before the well seal and grout have set. Water must not be introduced into the well for development, except with written approval of the department. Any contaminated water withdrawn during development must be properly managed. Development must not disturb the sand pack or the strata above the water bearing zone or damage the well. The entire saturated screened interval must be developed. The department may require multiple attempts at well development to increase the likelihood of obtaining sediment free water. Development methods must be appropriate for formation conditions. The selected method must minimize to the greatest extent possible the amount of turbidity in the well.

(4) Survey. The locations and elevations of all existing and abandoned test pits, soil borings, monitoring wells, and piezometers must be surveyed to obtain their precise location and plotted on a map in the site investigation report. The vertical location of the ground surface and the mark made on the top of the monitoring well and piezometer risers must be accurately measured to the nearest 100th foot.

(5) Well replacement. All wells must be properly protected to ensure their integrity throughout the active life, post-closure period, and custodial care period of the facility. If, in the opinion of the department, water quality or other data show that the integrity of a well is lost, the well must be replaced and sampled within a time period acceptable to the department (but not to exceed 120

days) after written notification by the department. The initial sample for the replacement well must be analyzed for baseline parameters in the Water Quality Analysis Tables in this Subpart.

(6) Well abandonment. All soil borings, rock cores or other abandoned wells that are not completed as monitoring wells or piezometers must be fully sealed in a manner appropriate for the geologic conditions to prevent contaminant migration through the borehole. Generally, sealing must include:

(i) overboring or removal of the casing to the greatest extent possible, followed by perforation of any casing left in place. All casing and well installations in the upper five feet of the boring, or within five feet of the proposed level of excavation, must be removed;

(ii) sealing by pressure injection with cement bentonite grout, using a tremie or other method acceptable to the department. The cement must extend the entire length of the boring to no less than five feet below the ground surface or the proposed excavation level. The screened interval of the borehole must be sealed separately and tested to ensure its adequacy before sealing the remainder of the borehole. Where the surrounding geologic deposits are highly permeable, alternate methods of sealing may be required to prevent the migration of the grout into the surrounding geologic formation. The well must be backfilled to at least five feet below ground surface with appropriate native materials compacted to avoid settlement; and

(iii) the sealed site must be restored to a safe condition. The site must be inspected periodically after sealing for settlement or other conditions that may require remediation.

(7) Well extension. All well extensions must be constructed to ensure the future use of the well. The outer casing and the concrete pad must be removed prior to extending the well casing.

(l) Geologic sampling.

(1) All borings and rock cores must be sampled continuously to the base of the critical stratigraphic section. For well clusters, continuous samples must be collected from the surface to the base of the deepest well. Other wells in the cluster must be sampled at all stratigraphic changes, and at the screened interval. At sites where the geology is not of a complex nature the department may allow a reduction in the number of wells requiring continuous sampling. Soil borings must be sampled using the split spoon method, or other approved methods such as continuous sonic core sampling, and bedrock or boulders must be sampled by coring with standard size NX or larger diameter core bits. Samples must be retained in labeled glass jars or wooden core boxes. All samples must be securely stored and accessible throughout the life of the facility. The location of the storage area must be designated in the facility manual.

(2) A representative number of undisturbed samples must be collected from test pits and borings using appropriate methods to identify the characteristics of all cohesive soil units. These samples must be analyzed in the laboratory for: Atterberg limits; gradation curves by sieve or hydrometer analysis or both; undisturbed permeabilities; and visual descriptions of undisturbed soil structures and lithologies. Laboratory analysis of non-cohesive soil units may also be required.

(m) Logs.

(1) Complete drilling logs must be provided to the department for all soil borings. These logs must provide detailed soil classification according to the Unified Soil Classification System (USCS). The USCS visual method must be used on all samples supplemented by the USCS laboratory tests on a representative number of samples from each stratigraphic unit and each screened interval. Logs also must contain a description of the matrix, clasts, mineralogy, roundness, color, appearance, odor, and behavior of materials using an appropriate descriptive system. A clear description of the system used must be included with the logs. All well logs must contain drilling information observed in the field including: moisture content, location of the water table during drilling, water loss during drilling, depth to significant changes in lithology, depth to bedrock, sample recovery (measured in tenths of a foot), hammer blow counts, the method of drilling, any anomalous features (e.g., gas in the well), and the use and description of drilling fluids or additives, including the source, and calculated and actual amounts of materials used.

(2) Rock core logs must describe the lithology, mineralogy, degree of cementation, color, grain size, and any other physical characteristics of the rock; percent recovery and the rock quality designation (RQD); other primary and secondary features, and contain all drilling observations and appropriate details required for soil boring logs. A clear photograph of all labeled cores must also be taken and submitted with the logs.

(3) Well completion logs must contain a diagram of the installed well, all pertinent details on well construction, a description of the materials used, and elevations of all well features.

(4) Copies of original field logs must be submitted to the department upon request.

(n) In situ hydraulic conductivity testing.

In situ hydraulic conductivity testing must be done in all monitoring wells and piezometers, unless otherwise approved by the department. The testing method used must not introduce contaminants into the well. If contamination is known or suspected to exist, all water removed must be properly managed. Hydraulic conductivities may be determined using pump tests, slug tests, packer tests, tracer studies, isotopic geochemistry, thermal detection, or other suitable methods.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

January 5, 2022

Ms. Kimberly Merchant
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 E Avon-Lima Road
Avon, New York 14414

Re: Draft SPDES Permit for the Lockwood Ash Disposal Landfill (NY0107069)

Dear Ms. Merchant:

On December 9, 2021, the New York State Department of Environmental Conservation provided notice of the draft State Pollutant Discharge Elimination System (SPDES) permit (SPDES No. NY0107069) for the Lockwood Ash Disposal Landfill. The facility is classified as a significant minor and discharges to the Keuka Lake Outlet. In accordance with 40 C.F.R. § 123.44, the Environmental Protection Agency has reviewed the draft permit and provides the following input for your consideration. These comments must be satisfactorily addressed in order to eliminate the potential for permit objection pursuant to the 1975 Memorandum of Agreement between the EPA and NYSDEC and to 40 C.F.R. § 123.44.

1. The permit includes a limit of 50 ng/L for the mercury limit, based on the NYSDEC Mercury TOGS 1.3.10, issued in 2020. This facility is within the Great Lakes basin. By NYSDEC's TOGS, where there are 10 consecutive mercury results the limit must be based on existing effluent quality. There is a robust dataset for this facility, dating back to 2005. Within the last five years, there are seventeen results, which range from 0.5 ng/L to 3.2 ng/L. There are several periods of 10 or more consecutive mercury results, all well below the limit of 50 ng/L. Where the results are not consecutive, there is a gap of no more than one quarterly monitoring event, with no data. EPA would like to know if this is a period of no discharge. We have attached an ICIS pull of the most recent five years of mercury levels for this facility. In our view, this dataset of seventeen results are consecutive, therefore this limit should have been based on a calculation of EEQ. Such a calculation would likely have resulted in a limit of about 5 ng/L, an order of magnitude less than the limit NYSDEC has included. If there are gaps in consecutive monitoring or reporting in the last permit cycle, this is no justification for an effluent limit orders of magnitude higher than it should be based on Great Lakes regulations and NYSDEC's own TOGS.

We also have attached some of our historical comments regarding the Mercury TOGS for context to emphasize the importance of appropriate regulation within the Great Lakes. The EPA does not endorse 50 ng/L as the GLCA, and have consistently commented that this is far too high a number, particularly within the Great Lakes basin, where the Great Lakes Water Quality Agreement requires limits that are standards end of pipe, with no allowance for mixing.

2. EPA disagrees with the MMP III designation of this facility for mercury minimization, given that it is a landfill that has historically accepted coal ash, which is known to contain mercury. We note that MMP II designation includes testing for hauled waste, which would appear to be a potential source for this facility as well.
3. In addition to mercury, facilities within the Great Lakes basin must be regulated for discharges of other bioaccumulative contaminants of concern, such as dioxin and polychlorinated biphenyls. There is no reasonable potential analysis included for either dioxin or PCBs. There is a reference to a PCB minimization program. This permit should have included reasonable potential analyses for both dioxin and PCBs.
4. The fact sheet states that this facility is not known to contribute to the temperature of Keuka Lake Outlet, but includes no data in the summary table. There has been regular and consistent monitoring at this facility, the fact sheet should have included the range of data in the reasonable potential analysis table as it did for other parameters to illustrate that the temperature was evaluated against the water quality standard.

EPA has also responded to several community concerns regarding temperature in the Keuka Lake Outlet due to the neighboring Greenidge Generation facility. Please include more historical data and discussion regarding the nature of the temperature discharge from the Lockwood Ash facility, rather than incorporate by reference the 2012 study.

5. EPA notes the application of the Steam Electric Effluent Limitation Guideline (ELG) to the limitations for this facility. We agree with the application of the limits for Total Suspended Solids given the nature of the facility and current requirements of the ELG.

We appreciate the opportunity to review the permit for the Lockwood Ash Disposal facility and look forward to working with NYSDEC in addressing our comments. Should you have any questions on our comments, please contact Ms. Karen O'Brien at (212) 637-3717.

Sincerely yours,

Joshua Kogan, P.E., Acting Chief
NPDES Section

Lockwood Ash ICIS Mercury Results			
Parameter	DMR Value	Unit	DMR Received Date
Mercury, total [as Hg]	0.5	Nanograms per Liter	12/23/2016
Mercury, total [as Hg]			3/24/2017
Mercury, total [as Hg]	3.2	Nanograms per Liter	6/28/2017
Mercury, total [as Hg]	0.5	Nanograms per Liter	9/28/2017
Mercury, total [as Hg]	0.5	Nanograms per Liter	12/28/2017
Mercury, total [as Hg]	0.5	Nanograms per Liter	3/28/2018
Mercury, total [as Hg]	1.0	Nanograms per Liter	6/22/2018
Mercury, total [as Hg]			9/28/2018
Mercury, total [as Hg]	0.5	Nanograms per Liter	12/27/2018
Mercury, total [as Hg]	0.6	Nanograms per Liter	3/27/2019
Mercury, total [as Hg]	0.6	Nanograms per Liter	6/28/2019
Mercury, total [as Hg]	0.7	Nanograms per Liter	9/26/2019
Mercury, total [as Hg]			12/27/2019
Mercury, total [as Hg]	1.5	Nanograms per Liter	3/26/2020
Mercury, total [as Hg]	2.2	Nanograms per Liter	6/26/2020
Mercury, total [as Hg]	2.2	Nanograms per Liter	9/25/2020
Mercury, total [as Hg]	1.5	Nanograms per Liter	12/23/2020
Mercury, total [as Hg]	2.0	Nanograms per Liter	3/26/2021
Mercury, total [as Hg]	1.9	Nanograms per Liter	6/25/2021
Mercury, total [as Hg]	2.5	Nanograms per Liter	9/28/2021

EPA Region 2 Comments on the Draft Technical and Operational Guidance Series (1.3.10) Mercury – SPDES Permitting and Multiple Discharge Variance (referred herein as “Mercury TOGS”)

Similar to its original issuance in 2010, NYSDEC has chosen to implement this proposed Mercury TOGS statewide. Because this proposed Mercury TOGS would apply statewide, it would apply to dischargers of mercury to the Great Lakes. Dischargers to the Great Lakes are subject to the Water Quality Guidance for the Great Lakes System at 40 CFR Part 132, otherwise known as the Great Lakes Initiative (GLI). NYSDEC’s proposed Mercury TOGS includes a multiple discharge water quality-based effluent limit (WQBEL) variance for mercury. EPA regulations do not allow for a WQBEL variance, rather they allow states to adopt a water quality standards (WQS) variance consistent with 40 CFR § 131.14. In addition to 40 CFR 131.14, GLI implementation procedures, at 40 CFR Part 132, Appendix F, Procedure 2, establish specific requirements for WQS variances in the Great Lakes.

Justification for Variance

1. For a WQS variance, 40 CFR Part 132 Appendix F, Procedure 2:C.1. and 40 CFR § 131.14(b)(2)(i)(A)) list the conditions under which a WQS variance can be granted, provided such conditions are demonstrated. These conditions include, among others, human-caused conditions or sources of pollution prevent the attainment of the WQS and cannot be remedied, or would cause more environmental damage to correct than to leave in place, and controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.
2. Although NYSDEC states that mercury is a human caused condition that cannot be remedied, NYSDEC should provide additional demonstration to support this condition. While data and references are made to monitoring stations for air deposition within New York State, effluent discharge values for most dischargers are well below the 12 ng/L included in that discussion. NYSDEC could provide the results of statewide modeling that quantifies the percent or amount of mercury from all sources and identify the sources for which the state does not have authority nor ability to control (natural releases, forest fires, volcanoes, out of state atmospheric sources).

NYSDEC also states that mercury is ubiquitous due to man-made atmospheric deposition. Given the statewide applicability of the proposed Mercury TOGS, NYSDEC may also be able to demonstrate that a WQS variance is needed due to “substantial and widespread economic and social impact, by providing more economic data for advanced wastewater treatment for mercury. See EPA guidance on making such a demonstration:

<http://www.epa.gov/waterscience/standards/econworkbook/>

EPA notes that the State of Ohio included, in its statewide WQS for mercury, a demonstration that the cost of treatment to meet the applicable mercury standard would result in substantial and widespread economic and social impact. Studies were performed by consultants to the state, which are referenced in the Ohio permitting guidance found at:

<http://epa.ohio.gov/portals/35/guidance/permit10.pdf>

While NYSDEC has included some discussion about atmospheric deposition, and statements regarding costly treatment, more detail, such as economic data and potential sources of pollution from external sources outside the control of a discharger is needed to demonstrate that a WQS variance is needed pursuant to 40 CFR § 131.14(b)(2) and 40 CFR Part 132, Appendix F, Procedure 2.

Effluent Limitations

We note that the following regulatory provisions apply to dischargers to the Great Lakes system. The first two are also specified in 6 NYCRR § 702.17(e):

“Compliance with an initial effluent limitation which, at the time the variance is granted, represents the level currently achievable by the permittee, and which is no less stringent than that achieved under the previous permit.” 40 CFR Part 132, Appendix F, Procedure 2.F.1.

“Reasonable progress be made toward attaining the water quality standards for the waterbody as a whole through appropriate conditions.” . 40 CFR Part 132, Appendix F, Procedure 2.F.2.

“There shall be no mixing zones available for new discharges of BCCs to the Great Lakes System.” 40 CFR Part 132, Appendix F, Procedure 3.C.1

“No permit may authorize “no net addition limitations” which are effective after March 23, 2007.” 40 CFR Part 132, Appendix F, Procedure 5.E.3.

Permits issued to Great Lakes dischargers shall not authorize mixing zones for existing discharges of BCCs to the Great Lakes System after November 15, 2010. 40 CFR Part 132, Appendix F, Procedure 3.C.4.

In consideration of the above, EPA provides the following comments with respect to Table 5 of the proposed Mercury TOGS: tabulating average, median, and maximum data included for POTWs and industrial facilities, as well as data from dischargers in the Integrated Compliance Information System (ICIS):

3. The General Level Currently Achievable (GLCA) should be below 50 ng/L, as NYSDEC has been using 50 ng/L for ten years and the data shows that most POTWs are discharging well below 50 ng/L, with many discharging well below 12 ng/. Setting limitations that are significantly higher than what is achievable by a discharger do not drive reductions in loading are unacceptable to EPA

4. EPA believes NYSDEC should be moving away from threshold numbers, such as 50 and 200 ng/L, applied to multiple dischargers for permit limits or triggers for analysis. These threshold numbers have not changed since the 2010 Mercury TOGS, and are neither based on technology nor water quality standards. Limitations that are significantly higher than what is achievable by a discharger do not drive reductions in loading are unacceptable to EPA. EPA notes that 40 CFR § 131.14(b)(1)(ii) provides that WQS variances include requirements that apply throughout the term of the variance that “represent the highest attainable condition (HAC) of the water body or water body segment applicable throughout the term of the WQS variance based on the documentation required in (b)(2) of this section.” We do not believe the requirements included in the proposed Mercury TOGS reflect the highest attainable condition.

In addition to the implementation of PMPs NYSDEC should require that each discharger comply with a discharger-specific interim effluent condition for mercury, calculated using a statistical procedure for characterizing existing effluent quality. This procedure should specify that each discharger’s effluent limitation for mercury shall equal the upper 95th percentile of its representative daily discharger concentrations. EPA believes that site-specific effluent limitations based on existing effluent (EEQ) hold dischargers to their current levels, and drive improvements. After 10 years of applying the Mercury TOGS, there are enough available data to calculate such limits. This is particularly true for major dischargers in the Great Lakes, who have been required to control mercury as a bioaccumulative contaminant of concern (BCC) since 1995, with an analytical method sufficiently sensitive to measure compliance available since 2003.

5. EPA notes that the mercury levels in the effluent of industrial dischargers are more variable than the POTWs. We believe, however, based on the data from 2015 to 2019 included in the ICIS database, that NYSDEC could lower the GLCA and still see the same levels of achievability across all sources. This would ratchet down the gap between the GLCA and the water quality standard, and result in improvements in water quality. Those facilities that continue to discharge mercury above 50 ng/L and 200 ng/L must take action to reduce those discharges, and at this point are more appropriately covered by an individual variance to ensure improvements. The previous 2015 Mercury TOGS contained an Appendix listing the dischargers and their effluent 95% lognormal percentile levels for mercury, limits, and whether they were POTWs or industrial facilities. We believe an updated list would be a helpful addition to the Mercury TOGS.
6. Data presented in Table 5 of the proposed Mercury TOGS should be analyzed by looking at POTW and industrial facility data separately. As noted, the mercury levels in the effluent of industrial dischargers are more variable and much higher than the mercury levels in the effluent of POTWs, and therefore, these sources should be distinguished from one another and treated differently. EPA believes that most POTWs within the Great Lakes do, or should be able to achieve levels in the WQS variances that other Great Lakes states have adopted and EPA has approved (e.g., a monthly average of 10 ng/L and annual average of 12 ng/L). See, Table 5 of the

proposed Mercury TOGS, which indicates the number of dischargers with maximum levels of mercury less than 12, 50, and 200 ng/L. This table should be further broken down by geography, as dischargers in the Great Lakes are subject to more stringent conditions per 40 CFR Part 132.

7. The 2015 proposed Mercury TOGS included a provision that required dischargers with effluent limits higher than 50 ng/L to meet 50 ng/L within three years. This provision was not included in the 2015 final Mercury TOGS. EPA supports the inclusion of such a provision in this Mercury TOGS, even if the timeframe for compliance is greater than 3 years, as it will drive improvement. Further, facilities that continue to discharge high levels of mercury (above 50 ng/L and 200 ng/L) should be considered for individual variances with more stringent conditions. Moreover, for dischargers with levels of mercury as high as 200 ng./L, NYSDEC does not provide a demonstration to support that atmospheric deposition of mercury justifies the continued discharge of mercury at these levels, particularly with respect to dischargers to the Great Lakes, where all dischargers of mercury are required to be making incremental progress towards compliance with limits based on standards end of pipe.
8. Effluent levels at or above 50 ng/L suggest there is a significant source of mercury contributing to the facility, well above that which can be explained by contributions of mercury from atmospheric deposition. Technology exists to treat effluent to a level at or below 50 ng/L. Further, at this point, consistent with other Great Lakes states, legacy sources of mercury should have been abated through trackdown and remediation. While NYSDEC has presented information about the ubiquity of mercury in the environment to justify the use of 12 ng/L, nothing suggests that it is appropriate or necessary for facilities to continue to discharge well above 50 or as high as 200 ng/L.

Statewide Applicability

9. We understand NYSDEC chose to develop one multiple discharger WQBEL variance for the entire state for the purposes of a level playing field among dischargers statewide. Pursuant to 40 CFR Part 132, dischargers to the Great Lakes are subject to more stringent requirements than dischargers outside the Great Lakes. EPA believes that a variance for dischargers outside the Great Lakes may not be appropriate or necessary, as NYSDEC could utilize mixing zones and compliance schedules, whereas mixing zones for BCCs are not permissible in the Great Lakes. Alternatively, a statewide WQS variance with conditions based on discharger location and type would be more appropriate, as it would be discharger and site-specific and the requirements at 40 CFR Part 132 could be applied to dischargers for which those regulations apply.
10. It is unacceptable to EPA that at this point, the permits for several major dischargers to the Great Lakes do not include mercury limits or effluent monitoring for mercury. We believe the reason for this is in part, due to NYSDEC's decision to apply the

Mercury TOGS statewide, thereby subjecting Great Lakes dischargers to less stringent requirements than those required by 40 CFR Part 132.

11. 40 CFR Part 132, Appendix F, Procedure 2.A.1. prohibits the availability of WQS variances to new dischargers. NYSDEC has included a provision that prohibits the availability of its WQBEL variance to new dischargers; this provision should be maintained. Mercury TOGS.

Mercury Minimization Plans

12. EPA supports the statewide inclusion of mercury minimization plans (MMP) for all dischargers of mercury, the boilerplate permit language that is included in Appendix C, the list of guidance documents provided at Part VI, and the dental amalgam separator requirements referenced in the MMP requirements for POTWs.
13. While the MMP language discusses trackdown of potential sources of mercury, EPA recommends including more specific requirements for reducing mercury in the boilerplate permit language. Potential sources of mercury at industrial facilities and POTWs include switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, and batteries. We support the provision to substitute these with the non-mercury containing options included in Section 2.B. of the proposed Mercury TOGS.
14. The EPA recommends removing the word “significant” from mercury sources in Appendix C of the proposed Mercury TOGS. All mercury sources are significant and should be inventoried, particularly when looking for reductions in such small amounts on the order of ng/L.
15. The EPA recommends adding batteries, switches, fluorescent lightbulbs, cleaners, degreasers, thermometers, to the equipment and materials section (Appendix C.2.B.iv).

Incorporation of Conditions into SPDES Permits

16. **All dischargers to the Great Lakes have reasonable potential to cause or contribute to an exceedance of the water quality standard for mercury. Where there is reasonable potential, permits must include a numeric limit and effluent monitoring for compliance.** See, 40 CFR § 122.44. For Great Lakes dischargers, inclusion of appropriate limits for mercury that derive from and comply with the mercury criterion and are consistent with 40 CFR Part 132 is long overdue. Having instituted the first mercury multiple discharge WQBEL variance in 2010, there should be ample effluent monitoring data to calculate limits for Great Lakes dischargers, particularly for the major dischargers. Further, all major dischargers to the Great Lakes must be considered high priority and receive effluent limitations and monitoring, regardless of the presence of analytical results showing mercury levels in effluent below 12/ng/L. Moreover, dischargers of mercury to the Great Lakes must be placed on the “No Administrative Renewal List” maintained by NYSDEC.

EPA Method 1631

17. EPA supports the mandatory use of Method 1631 included in Section 5.c.1 of the proposed Mercury TOGS. 40 CFR Part 132, Appendix F, Procedure 8.B.1 requires the permitting authority to “specify in the permit the most sensitive, applicable, analytical method, specified in or approved under 40 CFR Part 136, or other appropriate method if one is not available under 40 CFR Part 136, to be used to monitor for the presence and amount in an effluent of the pollutant for which the WQBEL is established.” EPA Method 1631 is the most sensitive analytical method for mercury approved under Part 136. With a detection limit of 0.5 ng/L, Method 1631 is the only analytical method that can evaluate compliance or progress with compliance with the final WQBEL of 0.7 ng/L included in SPDES permits.

EPA notes that for internal monitoring and MMP requirements, NYSDEC will allow other methods to be used, as appropriate. EPA recommends including a requirement that these methods be sufficiently sensitive to detect all internal sources of mercury, as non-detect results are not useful for information gathering about potential sources of mercury.

NYSDEC’s WQBEL variances, the regulations under which variances are developed, and permits based on NYSDEC’s WQBEL variances are not consistent with the CWA and EPA regulations

NYSDEC’s WQBEL variances are not WQS variances under 40 CFR Part 131. Unlike WQS variances adopted consistent with 40 CFR § 131.14, NYSDEC’s WQBEL variances are not adopted under or consistent with Clean Water Act Section 303(c). NYSDEC’s WQBEL variances and the regulations under which they are developed (6 NYCRR § 702.17) are not consistent with and/or not as stringent as numerous provisions of EPA regulations applicable to WQS variances, including EPA’s WQS regulations at 40 CFR Part 131, EPA’s public participation regulations at 40 CFR Part 25, and for variances applicable in the Great Lakes, EPA’s 40 CFR Part 132. Moreover, permits based on NYSDEC’s WQBEL variances are not consistent with Clean Water Act Section 301(b)(1)(C) and EPA’s NPDES regulations at 40 CFR Part 122. A more detailed, but not exhaustive, discussion follows.

18. EPA’s WQS regulations, at 40 CFR § 131.3(o), define a WQS variance as “a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the WQS variance.” NYSDEC’s WQBEL variances are not WQS; they are neither a designated use nor criterion. Rather, NYSDEC’s WQBEL variances are water quality-based effluent limitations, therefore, they do not meet the definition of a WQS variance under 40 CFR § 131.3(o).
19. Pursuant to Section 303(c) of the CWA, a state is required to submit new or revised WQS to EPA for review and approval or disapproval. Pursuant to 40 CFR § 131.5(a), “[u]nder section 303(c) of the Act, EPA is to review and to approve or disapprove State-adopted water quality standards. The review involves a determination of... (4) Whether any State adopted WQS variance is consistent with §

131.14...” Pursuant to 40 CFR § 131.14, “[a] WQS variance is a water quality standard subject to EPA review and approval or disapproval.” Pursuant to 40 CFR § 131.21(b), “[t]he Regional Administrator’s approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in §§ 131.5 and 131.6, and, with respect to Great Lakes States...(as defined in 40 CFR 132.2), 40 CFR part 132.” Pursuant to 40 CFR Part 132, Appendix F, Procedure 2.I, “[a]ll variances and supporting information shall be submitted by the State...to the appropriate EPA regional office” for approval. The minimum requirements for a WQS submission are described in 40 CFR § 131.6. Because NYSDEC’s WQBEL variances are not WQS and NYSDEC has not submitted them to EPA for review and approval or disapproval, NYSDEC’s WQBEL variances are not consistent with and/or not as stringent as WQS variances adopted consistent with 40 CFR § 131.14, and NYSDEC’s regulations under which its WQBEL variances are developed are not consistent with and/or not as stringent as EPA’s regulations at 40 CFR §§ 131.5(a), 131.6, 131.14, 131.21(b) and for variances applicable in the Great Lakes, 40 CFR Part 132, Appendix F, Procedure 2.I.

20. Pursuant to CWA § 301(b)(1)(C), permits must contain effluent limits as stringent as necessary to meet WQS. Pursuant to 40 CFR 131.14(a)(3), “[a] WQS variance, once adopted by the State and approved by EPA, shall be the applicable standard for purposes of the Act under § 131.21(d) through (e), for the following limited purposes. An approved WQS variance applies for the purposes of developing NPDES permit limits and requirements under 301(b)(1)(C), where appropriate, consistent with paragraph (a)(1) of this section.” Pursuant to 40 CFR § 131.14(c), “[a] WQS variance serves as the applicable water quality standard for implementing NPDES permitting requirements pursuant to § 122.44(d).” Pursuant to 40 CFR Part 132, Appendix F, Procedure 2.I., “EPA shall review the State...submittal for compliance with the CWA pursuant to 40 CFR 123.44, and 40 CFR 131.21.” Because NYSDEC’s WQBEL variances are not WQS, permits based on them do not derive from and comply with all applicable water quality standards (40 CFR §122.44(d)(1)(vii)(A)). Permits based on NYSDEC’s WQBEL variances, therefore, are not consistent with CWA § 301(b)(1)(C) and 40 CFR § 122.44(d)(1)(vii)(A), and the regulations under which NYSDEC’s WQBEL variances are developed are not consistent with and/or as stringent as 40 CFR § 131.14(a)(3), 131.14(c) and 40 CFR Part 132, Appendix F, Procedure 2.I.
21. Pursuant to 40 CFR § 131.14, a WQS variance is “subject to....[the] public participation requirements at § 131.20(b).” Pursuant to 40 CFR § 131.20(b), “the State shall hold one or more public hearings for the purpose of reviewing water quality standards as well as when revising water quality standards, in accordance with provisions of State law and EPA’s public participation regulation (40 CFR Part 25).” The regulations under which NYSDEC’s WQBEL variances are developed do not require a public hearing for WQBEL variances nor did NYSDEC hold a public hearing on its multiple discharger WQBEL variance for mercury, therefore, NYSDEC’s WQBEL variances and the regulations under which they are developed are not consistent with nor as stringent as 40 CFR §§ 131.14, 131.20(b) and Part 25.

22. Pursuant to 40 CFR Part 132, Appendix F, Procedure 2.J., “[a]ll variances shall be appended to the State...WQS rules.” State rulemaking under the Clean Water Act is subject to 40 CFR Part 25 (40 CFR § 25.2) and “shall be in accord with the requirements of [40 CFR § 25.10](a),” unless a state’s administrative procedure act conflicts with this section (40 CFR § 25.10(b)). Section 25.10(a) requires public notice of and an opportunity to comment on proposed regulations, and that a “Responsiveness Summary shall be published as part of the preamble to interim and final regulations.” Responsiveness summaries, pursuant to 40 CFR § 25.8, “shall identify the public participation activity conducted; describe the matters on which the public was consulted; summarize the public's views, significant comments, criticisms and suggestions; and set forth the agency's specific responses in terms of modifications of the proposed action or an explanation for rejection of proposals made by the public.” Because NYDSEC’s multiple discharger WQBEL variance for mercury is contained within a state guidance document and not state regulation, NYSDEC’s multiple discharger WQBEL variance for mercury is not consistent with 40 CFR Part 132, Appendix F, Procedure 2.J. and 40 CFR Part 25, nor are the contents of it binding.
23. WQS variances “must only be as long as necessary to achieve the highest attainable condition.” 40 CFR §131.14(b)(1)(iv). With respect to variances applicable to the Great Lakes, pursuant to 40 CFR Part 132 App. F Procedure 2.B., “[a] WQS variance shall not exceed five years or the term of the NPDES permit, whichever is less.” When a WQS variance expires, the WQS variance is no longer the applicable WQS for purposes of the CWA; the underlying designated use and criteria become the applicable WQS for purposes of the CWA, including NPDES permitting. NYSDEC’s WQBEL variance regulations, at 6 NYCRR § 702.17(a)(5), state that “[a] variance term shall not exceed the term of the SPDES permit. Where the term of the variance is the same as the permit, the variance shall stay in effect until the permit is reissued, modified or revoked.” NYSDEC’s regulations do not prohibit the term of its WQBEL variances to exceed five years and therefore, are not consistent with and/or not as stringent as 40 CFR Part 132 App. F Procedure 2.B.
24. Pursuant to 40 CFR § 131.14(b)(1)(ii), the requirements under the WQS variance “shall not result in any lowering of the currently attained ambient water quality, unless a WQS variance is necessary for restoration activities.” NYSDEC’s WQBEL variance regulations do not contain this requirement.
25. Pursuant to 40 CFR Part 132, Appendix F, Procedure 2.B., a water quality standards variance shall not exceed five years or the term of the NPDES permit, whichever is less. Pursuant to 40 CFR Part 132, Appendix F, Procedure 2.J., “[a]ll variances shall be appended to the State...WQS rules.” Because NYSDEC’s multiple discharge WQBEL variance for mercury is contained within a guidance document, any term included within it is not binding, therefore, the WQBEL variance is not consistent with 40 CFR Part 132, Appendix F, Procedure 2.B. and J.

Winters, Catherine G (DEC)

From: Rich Adams <lymanradams@gmail.com>
Sent: Thursday, January 6, 2022 9:15 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Ms Merchant, my name is Rich Adams and I am a resident of Seneca County and an advocate for protecting the water quality of Seneca Lake, in which I and my family swim, boat, and fish. I write to submit some fairly specific comments on the draft SPDES permit for the Lockwood Ash Disposal Landfill discharges. With the short time frame available, I was only able to study just a few of the aspects of the permit and fact sheet, notably only the leachate treatment pond discharge limits and conditions. Perhaps there will be further opportunity to provide more detailed comment, especially if a hearing is granted. Nevertheless, these items caught my first attention:

> 1. I look with concern at the degree of treatment required for the segregated landfill leachate stream. The fact sheet presents the basis of the effluent limits for the heavy metals generally as “antibacksliding”. In other words, the limits are based upon on either the historical limits in the older permits, or on an analysis of current effluent quality. I don't find any data on raw leachate quality, or any analysis on the degree of treatment afforded by the cascade aeration (in my mind, awfully rudimentary, considering this is what is controlling the cumulative loading to the KO outlet delta area). I think the Consent Order contemplated a more complete degree of treatment (even mentioned off site treatment). The literature is replete with more technologically advanced treatment methods, and I feel that the technology based limits on the heavy metals should require a BPJ (best professional judgement) analysis and basis. Yes, the anti-backsliding limits are more stringent than the water quality based limits, which appear to have been derived from simple dilution ratios, ignoring background concentrations from Keuka Lake dischargers, and downstream loads from Ferro and Greenidge. However, even if the water quality based limits were derived based on allocation of loads, BPJ technology limits based on modern treatment schemes may be more stringent, and meet the intent of the NPDES body of regulation. “Pollutant Discharge Elimination”.

>

> 2. The schedule for Whole Effluent Toxicity Testing is irresponsible in my mind. (Tests in Years ending in 3 and 8). Given that this amendment will probably be issued in 2022, why wait to see the true toxicity of the mixed chemical composition of the whole effluent. I feel the WETT should start in the first calendar quarter after amendment issuance (then 3 quarters after), and be conducted every other year after that. I am also looking at the dilution ratio used for the acute WETT alarm levels, which should consider only the portion of Keuka Outlet flow, at Q1,10 that mixes with the discharge, downstream to the lake. In a stream that provides for spawning runs of trout, and bank fishing on the west side, a 1/2 mile reach of potentially toxic environment needs to be flagged.

Thank you for considering these comments. I am available to discuss them at the cell number below.

Sent from my iPhone
570 337 9595 cell

Winters, Catherine G (DEC)

From: Maura Stephens <maurastephens1@gmail.com>
Sent: Thursday, January 6, 2022 10:42 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Lockwood Ash Disposal Landfill SPDES Permit changes, NY-0107069; Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8

Ms. Merchant:

Having lived in the Finger Lakes/Southern Tier for decades, my family and I are heavily invested in the region in myriad ways. I am writing to *again* express our strong objection to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill and to the permitting of the Greenidge Generating Station to be used as a bitcoin mining operation.

DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without critically important public participation. Yet we residents are the ones whose drinking water, air quality, and quality of life are at stake. Furthermore, most frighteningly the climate implications of bitcoin mining, on which [I have researched and reported](#), are devastating.

There can be no reasonable justification for DEC's efforts to (a) exclude the public from participation in the discussions around this repurposing project, especially when SEQRA rules mandate public involvement in such processes that clearly have heavy implications for the environment and thus the health of all of us and our families; and (b) rush through these permits when even the middle-schoolers in my family are aware of the dangers these projects pose to their own health and future.

We have watched DEC's attempts to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes. This is a clear violation of SEQRA not to consider these permit renewals together when their collective impact would be huge.

You are well aware that the coal ash ponds on the Greendidge Generating Station site and the Lockwood site legally, ethically, and common-sensically require groundwater monitoring, and these should under no circumstances (except for corporate or personal gain) be segmented.

In evaluating the Lockwood permit renewals, DEC must consider AS ONE the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges, and the Ferro toxic discharges into Seneca Lake, its tributary Keuka Outlet, and the connected groundwater aquifer in the Town of Torrey--even if discharged first into an inland pond on its way to these water sources.

Thus the current permit applications must be rejected.

Maura Stephens
a cofounder of the [Coalition to Protect New York](#)

Winters, Catherine G (DEC)

From: Denise Katzman <denisekatzman@gmail.com>
Sent: Friday, January 7, 2022 12:58 AM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8; Seggos, Basil B (DEC)
Cc: Regan.Michael@epa.gov; garcia.lisa@epa.gov
Subject: Comments pertaining to the Proposed Renewal & Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

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Application ID: 8-5736-00005/00001 January 7, 2022

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

Application ID: 8-5736-00005/00001

Dear Ms. Merchant, Mr. Seggos, Mr. Regan, Ms. Garcia & NYS DEP:

On behalf of our members, the Sierra Club Atlantic Chapter, Seneca Lake Guardian, the Committee to Preserve the Finger Lakes, Cayuga Lake Environmental Action Now (CLEAN) and Denise Katzman respectfully submit the following comments objecting to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill, without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin POW mining operation.

It is beyond conceivability and outrageous hypocrisy on behalf of DEC. Seggos clearly stated in 9.2021 to the media, that Greenidge is not abiding by NYS' climate laws. To allow this landfill to continue, violates NYS' climate laws. As this email states: Regarding Greenidge Generation, the public is legally entitled to a Draft EIS.

DEC & EPA are mandated to protect human, enviro & economic health. NYS doesn't need any additional toxic landfills. The Finger Lakes are tributaries to each other; along with a myriad of H2O bodies. The toxins from this landfill are and will continue to infiltrate the aforementioned H2O bodies, which supply *so-called* fresh water to taxpayers. Should the agencies move in the wrong direction and approve, minus a legally required SEQRA Draft EIS. SEQRA is NYS' version of NEPA. Respect it.

The Lockwood Ash Disposal Landfill is owned by Lockwood Hills LLC. The landfill is adjacent to Greenidge Generating Station and takes the waste from the Generating Station. Both Lockwood Hills, LLC and the owner of Greenidge Generating Station, Greenidge Generation LLC, are wholly owned subsidiaries of Greenidge Generation Holdings Inc., which recently listed its shares on the New York Stock Exchange.[\[1\]](#)

Notice of the proposed modification and renewal of the Lockwood SPDES permit was given by the New York State Department of Environmental Conservation (DEC) in its Environmental Notice Bulletin on December 8, 2021.[\[2\]](#)

We request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at Lockwood Ash Disposal Landfill and Greenidge Generating Station. A number of substantive and significant adverse environmental impacts are identified in this email and in the organizations 11.19.21 comment letter, on the proposed Greenidge air permits. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin POW mining operations. DEC has treated this project as a matter for bilateral negotiations between DEC and Greenidge Generation Holdings Inc. DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project are contrary to the requirements of SEQRA, which mandates public involvement in processes for regulatory approval, to actions that may have an impact on the environment. DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as a separate process and then characterizing these individual permitting processes as exempt from review under SEQRA. This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA. DEC's segmentation actions are akin to illegal manipulation of SEQRA and on the face of it equal RICO. These actions permit Greenidge to perpetually create anthropogenic pollution and increase climate crisis.

This letter makes the following points:

I. Modification of the Lockwood SPDES Permit Is a Segment of a Type I Action under SEQRA

A. Repurposing Greenidge Generating Station for Bitcoin Mining is a Type I Action under SEQRA

B. Operations at Lockwood Landfill are Inextricably Linked to Operations at Greenidge Generating Station

C. Modifications of the Lockwood SPDES Permit Must Be Considered Together with Modifications to the Lockwood Part 360 Permit, the Greenidge SPDES Permit and the Greenidge Air Permits

D. Modification of the Lockwood SPDES Permit Does Not Constitute a Type II Action under SEQRA

II. Cumulative Impacts of Discharges from Lockwood, Greenidge and Ferro—Transelco Division Must Be Addressed in a Full Environmental Impact Statement

E. Groundwater Monitoring under Lockwood SPDES Permit, Lockwood Part 360 Permit and Greenidge SPDES Permit

F. Hydrogeologic Investigation Report under Lockwood Part 360 Permit

G. Mercury Minimization Reporting Requirements under Lockwood SPDES Permit and Greenidge SPDES Permit

H. Seneca Lake Water Quality Studies Required in Dilution Study Plan under Greenidge SPDES Permit

Conclusion

In these circumstances, the Lockwood SPDES permit must be denied because DEC's Type II determination is incorrect and no SEQRA review has been conducted pertaining to the current bitcoin operations at Greenidge. For all the facts and

reasons delineated above, the material physical changes and changes in operations at the Facility must be reviewed under SEQRA. Since they have not been reviewed, the permits must be denied.

Respectfully submitted,

Denise Katzman

(I work with a NYSERDA Portfolio FinTech Company that truly cares about defeating climate crisis)

Winters, Catherine G (DEC)

From: Sheila Out <sheilaout49@gmail.com>
Sent: Thursday, January 6, 2022 3:30 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study work plan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Sheila Out
Ithaca

From: [L J Fisher](#)
To: [dec.sm.DEP.R8](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Application ID: 8-5736-00005/00001
Date: Friday, January 7, 2022 11:22:04 PM

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating

each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

L J Fisher
Fairport, NY
(585) 269-8125

From: [Debbie Cumings](#)
To: [Merchant, Kimberly \(DEC\)](#); EP.R8@dec.ny.gov
Subject: 01Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/000
Date: Thursday, January 6, 2022 3:37:48 PM

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: EP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: 01Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/000

Dear Ms. Merchant:

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DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

I would personally like to add to the above statements; THE CLIMATE ALARM BELLS ARE BECOMING APPARENT! We're seeing the impacts almost daily across the state, our country and this one and only planet we live on that SUSTAINS US and gives us Life every day. Why are we allowing cryptocurrency, Bitcoin Mining, to take hold here in the heart of the Finger Lakes, A TOURIST DESTINATION no less, to be spewing greenhouse gases, taking in Seneca Lake water, and putting millions of gallons of thermal pollution back into the lake daily!!?.....WHY? Please do the right thing for our businesses, our communities that work so hard to help make the beautiful Finger Lakes Region what it is... what it is becoming.

Respectfully Submitted,

Deborah A. Cumings

Co-owner of Cottage Views Bed and Breakfast, Lodi, NY [Seneca Lake]

From: [tim ross \(via Google Docs\)](#)
To: [Merchant, Kimberly \(DEC\)](#)
Subject: Coal Ash permit comments
Date: Friday, January 7, 2022 8:12:07 AM

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trxccl@gmail.com attached a document



trxccl@gmail.com has attached the following document:

Please consider these comments in Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001



Coal Ash permit comments

Snapshot of the item below:

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing on behalf of myself and my wife, Mary Ellen Ross, to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

We have a particular interest in this issue based upon our personal experience. We moved to Geneva in October from West Virginia with the hope of leaving ecological time-bombs and state agencies that are complicit with polluters behind. Sadly, now we write to you because

apparently our vision is not the reality here. Perhaps we are being too harsh. By agreeing with our request for a public hearing and rejecting the current permit application on the Subject Permit our fears could be allayed.

In a nutshell, coal ash is toxic and a dump full of it should not be poised above treasures such as the Finger Lakes. Most importantly, it should not be added to. Coal ash and other pollutants have destroyed habitats in West Virginia and have killed people. Please learn from the mistakes of other states like West Virginia and hold the hearing. It won't hurt a thing for you to hear from your citizens on this important matter. Further reasoning supporting our position follows.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

We object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

In the environment everything is connected. DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study work plan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, we request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Timothy L. Ross
Mary Ellen Ross

28 Argyle Street
Geneva, NY 14456

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043,
USA

You have received this email because trxcel@gmail.com shared a document with you from Google Docs.



From: [Joey Gates](#)
To: [dec.sm.DEP.R8](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Comments on Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Friday, January 7, 2022 7:30:08 AM

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greendige repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendige Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greendige and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

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The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greendige are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greendige toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greendige SPDES permit that allows Greendige and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Joey Diana Gates
Founder, Project Coordinator Dish Truck
Mecklenburg, NY 14863
www.dishtruck.org
Bringing Sustainability to the Party

From: [Caroline](#)
To: [dec.sm.DEP.R8](#)
Cc: [Merchant, Kimberly \(DEC\)](#)
Subject: Ash Disposal at Greenidge Generating Station
Date: Friday, January 7, 2022 1:52:13 PM

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and

some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Caroline DeSarno, Hector New York

From: [Mary Finneran](#)
To: [Merchant, Kimberly \(DEC\)](#); [dec.sm.DEP.R8](#)
Subject: Comments on the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Thursday, January 6, 2022 3:55:23 PM

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

Please know that I am writing to request a legislative hearing on the proposed Lockwood SPDES permit not only due to a huge amount of public concern in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period. The time frame for the comments spanned the holiday period when many were unable to review the permit application materials. Multiple requests have been made for additional material including documents defining the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but have not been received in time to peruse them by the comment deadline tomorrow, so people's comments are not as detailed or accurate as many would have like.

The proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill is inappropriate without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of granting regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ug/L, far in excess of the standard 0.7 ug/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

I reiterate my request that a legislative hearing be scheduled regarding the proposed Lockwood SPDES permit and that the current permit application be rejected.

Thank you once again for attending to this matter and for holding true to the DEC mission "To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."

Respectfully Submitted,

Mary T. Finneran, Cairo, NY

Winters, Catherine G (DEC)

From: Olivia C Ohlsten <oco5@cornell.edu>
Sent: Thursday, January 6, 2022 3:07 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greendidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greendidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greendidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greendidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greendidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greendidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Olivia Ohlsten, Trumansburg, NY

Winters, Catherine G (DEC)

From: Marina Andrea Welker <mwelker@cornell.edu>
Sent: Thursday, January 6, 2022 6:00 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit

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Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Marina Welker

Marina Welker
Department of Anthropology
200 McGraw Hall
Cornell University
Ithaca NY 14853

mwelker@cornell.edu

<http://blogs.cornell.edu/welker/>

Winters, Catherine G (DEC)

From: martha upton <marthaupton76@gmail.com>
Sent: Thursday, January 6, 2022 3:52 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Martha Upton,
Garrison, NY

Winters, Catherine G (DEC)

From: Tracy Frisch <tracy.frisch@gmail.com>
Sent: Thursday, January 6, 2022 3:57 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Merchant:

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I am extremely concerned about the possible approval of activities that threaten to degrade the water quality of Seneca Lake. Water quality is of the utmost importance for the lake's fish and the rest of the aquatic ecosystem as well as the thousands of human residents that rely on the lake for their drinking water. In addition, Finger Lakes tourists also care about the quality of the water.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

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Respectfully Submitted,

Tracy Frisch

Former resident of Ithaca

1293 McClay Road, Greenwich, NY 12834

Winters, Catherine G (DEC)

From: Lisa Marshall <elizamars@gmail.com>
Sent: Friday, January 7, 2022 6:18 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Lisa Marshall, Horseheads NY

--

Lisa Marshall (she/her)

Program Director

HeatSmartTompkins.Org

Cell: (850) 291-5259

"Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts." - Rachel Carson

Winters, Catherine G (DEC)

From: Frank Limoncelli <flimoncelli57@yahoo.com>
Sent: Friday, January 7, 2022 9:26 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted, Frank Limoncelli Dresden, NY Arrowhead Beach Road

Winters, Catherine G (DEC)

From: Rana <rana.sd@protonmail.com>
Sent: Friday, January 7, 2022 8:08 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

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Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Rana Sioufi, PhD
New York City

Winters, Catherine G (DEC)

From: Amy Rosmarin <amyrosmarin@aol.com>
Sent: Thursday, January 6, 2022 8:03 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
[6274 East Avon-Lima Road](#)
[Avon, New York](#)

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

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Respectfully Submitted,

Amy Rosmarin

North Salem, NY

Winters, Catherine G (DEC)

From: Jesse Beardslee <jessecreates@icloud.com>
Sent: Friday, January 7, 2022 6:06 PM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Jesse Beardslee
Hector, New York
jessecreates@icloud.com

Jesse Junko Beardslee
she/her

linktr.ee/themisandthread

Fashion Designer
Themis and Thread
themisandthread.com

Finger Lakes Artist Collective
Hector Handmade
hectorhandmade.com

Winters, Catherine G (DEC)

From: E. Kevin Conley <e.kevin.conley@gmail.com>
Sent: Friday, January 7, 2022 1:13 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

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Dear Ms. Merchant:

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Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

E. Kevin Conley, Castleton on Hudson, NY

Winters, Catherine G (DEC)

From: Juz Timmy Only Lynda <juztimmy@gmail.com>
Sent: Friday, January 7, 2022 11:32 AM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Kimberly Merchant,

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,
Thank you, Timothy Gersey and Lynda McPartland

Winters, Catherine G (DEC)

From: Tricia Carvalho <pcarvalho71585@gmail.com>
Sent: Friday, January 7, 2022 12:11 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Patricia Carvalho , Seneca falls

Sent from my iPhone

Winters, Catherine G (DEC)

From: Sarah Adams <sarahadams85@gmail.com>
Sent: Friday, January 7, 2022 12:15 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,
Sarah Adams & Victoria Romanoff
4 Falls St. Trumansburg, NY 14886

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V. Romanoff and Associates

<http://www.vromanoffandassociates.com>

Restoration and Design Consultants

Winters, Catherine G (DEC)

From: Judy Bristol <JudithBristol@outlook.com>
Sent: Friday, January 7, 2022 3:11 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Dear Ms. Merchant:

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

We moved from Jacksonville Florida in 2013, to this region in the Finger Lakes specifically for the climate (even winter) and to get away from the pollution so prevalent in the state of Florida. Please help thwart this bitcoin mining which has already been outlawed in the country of China, of all places!

Respectfully Submitted,

Judith Bristol
Ithaca, NY 14850

Winters, Catherine G (DEC)

From: Jeffrey Frank <frankjeff1@gmail.com>
Sent: Friday, January 7, 2022 4:50 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I realize this is a "group letter," but my participation is no less real:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully submitted,

Jeffrey Frank,
Town of Hector

3440 C.R. 6, Alpine, 14805

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www.jeffreyfrank.com

Winters, Catherine G (DEC)

From: Ellen Henry <echenry@rochester.rr.com>
Sent: Thursday, January 6, 2022 8:53 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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RE: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I believe there must be a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,
Ellen Henry
Pittsford NY 14534

Winters, Catherine G (DEC)

From: Diane Ciurczak <dianeciurczak@gmail.com>
Sent: Thursday, January 6, 2022 8:15 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Diane Ciurczak, 151 Lancaster Ave., Buffalo New York 14222

Winters, Catherine G (DEC)

From: Beth M m. <beth4457@yahoo.com>
Sent: Thursday, January 6, 2022 9:41 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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Sincerely,
Beth Cain
Dresden, NY

Sent from my iPhone

Winters, Catherine G (DEC)

From: Caroline Hecht <carolinehecht@gmail.com>
Sent: Thursday, January 6, 2022 10:35 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,
Caroline Hecht
Hector, NY (the township where I live)
(Mailing address: 5689 Burr Road / Trumansburg, NY 14886)

Winters, Catherine G (DEC)

From: Vinny Aliperti <vinny@atwatervineyards.com>
Sent: Friday, January 7, 2022 6:12 AM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Vinny and Kim Aliperti
Billsboro Winery
Geneva, NY

Winters, Catherine G (DEC)

From: Cathy Shipos <c63lee@gmail.com>
Sent: Friday, January 7, 2022 7:50 AM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation,
Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-
mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Cathy Shipos

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Winters, Catherine G (DEC)

From: Karen Martin <karenbrownmartin@gmail.com>
Sent: Friday, January 7, 2022 7:46 AM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
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Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Karen Martin, Lodi, NY

Winters, Catherine G (DEC)

From: Thomas Goodfellow <tjgood.three@gmail.com>
Sent: Friday, January 7, 2022 9:21 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
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I am a concerned citizen of New York State living in Delmar New York due east of the Greenride Station. My uncle did his US Navy Training at Seneca Lake in the 1940's and my work travels over my lifetime have often brought me to this wonderful are of New York State. I am concerned not just for the immediate area affected by the leach fields for the fly ash but for the very nature of the project which will significantly expand the use of fossil fuels at a time when we should be using clean, renewable energy such as solar, wind and water power. At this stage, this project clearly required the highest level of environmental review.

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Respectfully Submitted,
Thomas Goodfellow, Resident
Town of Bethlehem, Albany County, NY

--
Tom Goodfellow
518-424-6776
Twitter: @tga_tgoodfellow

"

"Liberté, égalité, fraternité" 1789

Winters, Catherine G (DEC)

From: Larry Campbell <campbells27@verizon.net>
Sent: Friday, January 7, 2022 9:24 AM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Dear Ms. Merchant:

My name is Larry Campbell and I live in Geneva NY, on Seneca Lake, just north of Dresden, where the Greenidge power plant and crypto currency mining operation is located. Greenidge is also located at the mouth of the Keuka Outlet, which carries water from Keuka Lake to Seneca Lake, and from there on to the Great Lakes. The surrounding country side is idyllic, dotted with wineries and small farms and villages. The Keuka Outlet Trail is a delightful biking, hiking and skiing trail, which in the old days, included a shipping canal, and several dams which powered local mills. In short, this is a gem worth protecting, as is the Finger Lakes themselves, as well as the Great Lakes into which their water flows.

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Larry Campbell, Prof. Emeritus (Physics) at Hobart and William Smith Colleges
366 Castle St
Geneva, NY 14456
315-759-5482

Winters, Catherine G (DEC)

From: Jeffrey Dembowski <jcdembowski@gmail.com>
Sent: Thursday, January 6, 2022 6:55 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
[6274 East Avon-Lima Road](#)
[Avon, New York 14414](#)
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: [8](#)-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

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Respectfully Submitted,
Jeffrey C. Dembowski
Trumansburg, NY

Winters, Catherine G (DEC)

From: René Carver <newyorkdl@gmail.com>
Sent: Thursday, January 6, 2022 3:37 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

RE: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms Merchant:

Because I have great concern about the environmental damage being done at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station, I request a full legislative hearing on the proposed Lockwood SPDES permit. For many years community members have become more and more aware of the environmental damage caused by such facilities and the serious negative health impacts on local wildlife and human populations. Opportunity for a full public hearing will allow for a full and open forum for public comment which in turn is necessary for proper decision making by DEC.

The text below was recently shared with me. I include it here acknowledging my full support for the points and concerns raised. As a resident of the Town of Ulysses situated between Seneca and Cayuga Lakes, it is always astounding to me that such environmental damage is even considered.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

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Respectfully Submitted,

René Carver
Town of Ulysses

Winters, Catherine G (DEC)

From: markw@lamoreauxwine.com
Sent: Thursday, January 6, 2022 5:19 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Mark Wagner

Lodi, NY 14860

Winters, Catherine G (DEC)

From: Bridge Clean Air <bridge@cacwny.org>
Sent: Thursday, January 6, 2022 4:46 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Bridge Rauch, Buffalo NY



Mx. Bridge Rauch, they/them
Community Organizer | bridge@cacwny.org

Winters, Catherine G (DEC)

From: Tomas Reyer <tomas.reyer@gimmecoffee.com>
Sent: Thursday, January 6, 2022 5:29 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Dear Ms. Merchant:

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Respectfully Submitted,

Thomas Reyer
Ithaca, NY

Would you like to forward this email to a friend? [Click here.](#)

--
Sincerely,

Tomas Reyer
Head Technician

Gimme! Coffee
Ithaca • Brooklyn • Manhattan

gimmecoffee.com • 607-273-0111 X211

Winters, Catherine G (DEC)

From: Linda Downs <lfgd.ld@gmail.com>
Sent: Thursday, January 6, 2022 3:06 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
[6274 East Avon-Lima Road](#)
[Avon, New York 14414](#)
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: [8-5736-00005/00001](#)

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Respectfully Submitted,

Linda Downs
Dresden, NY

Winters, Catherine G (DEC)

From: Dan Rapaport <dan@danrapaport.com>
Sent: Friday, January 7, 2022 2:35 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

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Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,
Daniel Rapaport, Newfield, NY

Winters, Catherine G (DEC)

From: Bill Mattingly <mattinglywb@stny.rr.com>
Sent: Friday, January 7, 2022 4:58 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069,,Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To: Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual

permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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Respectfully Submitted,

Bill Mattingly

Winters, Catherine G (DEC)

From: Janet Tyler <jtyler3@rochester.rr.com>
Sent: Thursday, January 6, 2022 6:02 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Dear Ms. Merchant:

My family has owned a cottage on Seneca Lake for over 50 years. Three generations have loved this lake - just in that one cottage. It is a special place. Please help us keep it healthy.

I am writing today to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Janet Tyler
Penn Yan, NY

Winters, Catherine G (DEC)

From: Stacy Gray <stacydesign1@gmail.com>
Sent: Thursday, January 6, 2022 5:50 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Stacy Gray, Watkins Glen, NY

Winters, Catherine G (DEC)

From: Melani <mladygo1@gmail.com>
Sent: Thursday, January 6, 2022 3:02 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Melani Ladygo, Valois

Winters, Catherine G (DEC)

From: Faith Muirhead <muirhead@udel.edu>
Sent: Thursday, January 6, 2022 3:02 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Faith Muirhead, Beaver Dams, NY

Winters, Catherine G (DEC)

From: John Abel <johnabel3272@gmail.com>
Sent: Thursday, January 6, 2022 5:56 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the „Lockwood Ash Disposal Landfill SPDES Permit

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

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Respectfully Submitted,
John F. Abel, Ithaca, NY

Winters, Catherine G (DEC)

From: Marilla Lipker <marillalipker@gmail.com>
Sent: Friday, January 7, 2022 7:44 AM
To: Merchant, Kimberly (DEC)
Subject: Hearing Request

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Dear Ms. Merchant:

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permit and that the current permit application be rejected.

Respectfully Submitted,
Marilla Gonzalez, Geneva NY



Winters, Catherine G (DEC)

From: David Locke <dwlocke@rochester.rr.com>
Sent: Thursday, January 6, 2022 9:18 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Greenidge Issues

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required

permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

David Locke, Owner
Locke's Glen on the Lake Vacation Rentals
4180 Teall Beach
Geneva, NY 14456
(Post and GPS address)

315-585-6360 (wired)
315-727-4414 cell
LockesGlen.com

Winters, Catherine G (DEC)

From: Ileen Kaplan <kaplan.ileen@gmail.com>
Sent: Friday, January 7, 2022 9:29 AM
To: Merchant, Kimberly (DEC)
Subject: Fwd:

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DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill
SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Ileen Kaplan-Maxwell
97 Fir Tree Point
Rock Stream NY 14878

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Address postal inquiries to:
Seneca Lake Guardian
600 N Franklin St #333
Watkins Glen, NY 14891

Sent from my iPhone

Winters, Catherine G (DEC)

From: Kathryn Diparisi <kdip19@aol.com>
Sent: Thursday, January 6, 2022 5:52 PM
To: Merchant, Kimberly (DEC)
Subject: Fwd: Greenridge Bitcoin Mining Facility

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Sent from my iPad

Begin forwarded message:

From: Kathryn Diparisi <KDIP19@aol.com>
Date: January 6, 2022 at 5:20:54 PM EST
To: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.ny.gov
Subject: Greenridge Bitcoin Mining Facility

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Kathryn DiParisi
Geneva, New York

Sent from my iPad

Winters, Catherine G (DEC)

From: Chris Lindsay <chrislindsayt@gmail.com>
Sent: Friday, January 7, 2022 4:33 PM
To: Merchant, Kimberly (DEC)
Subject: Fwd: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

As a business owner, and homeowner in the Finger Lakes region, I am appalled at what activities are underway and proposed by Greenidge Generation Holdings, Inc. in the region of your responsibility, and am thus writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Christopher and Christine Turner
The White Gazebo Inn
Trumansburg, NY.

Winters, Catherine G (DEC)

From: Tawn Feeney <tawnfeeney@gmail.com>
Sent: Thursday, January 6, 2022 7:38 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood Ash deposit

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Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

I am especially concerned about this source of pollution of Seneca Lake as I grew up in Geneva, and found Seneca always to be a source of joy and pride. The Finger Lakes contain 7% of the entire world's fresh water, a commodity which is more and more valuable in the time of climate crisis. We should keep Seneca Lake, and all of the Finger Lakes as clean as nature intended. Thank you.

Respectfully Submitted,
Tawn Feeney,
Conesus

Winters, Catherine G (DEC)

From: Amy Wiemers <wiemersa@alumni.beloit.edu>
Sent: Thursday, January 6, 2022 3:51 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill SPDES Permit

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
[6274 East Avon-Lima Road](#)
[Avon, New York 14414](#)
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: [8-5736-00005/00001](#)

Dear Ms. Merchant:

I send these comments as a 16-year resident of the Town of Lodi who is very concerned about the safety of the Seneca Lake biosystem and water for human and non-human residents and visitors.

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,
Amy J. Wiemers
Town of Lodi

Winters, Catherine G (DEC)

From: Nathan Scott <nks.nathan.scott@gmail.com>
Sent: Friday, January 7, 2022 11:49 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill SPDES Permit

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I work in Montour Falls, Schuyler County, along Seneca Lake. The health of Seneca Lake is extremely important to me!

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Nathan Scott, Montour Falls

Nathan Scott

Visit my [LinkedIn](#) page!

*May you find balance between being and doing,
stay optimistic and hopeful in times of uncertainty,
find stability and roots during the coming upheaval and renewal,
and use your personal power to create and shape the future.*

~ Claudia Perry-Beltrame

Winters, Catherine G (DEC)

From: Zero Waste Ithaca <zerowasteithaca@gmail.com>
Sent: Friday, January 7, 2022 8:02 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail:

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

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DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Zero Waste Ithaca

Ithaca, NY

zerowasteithaca.org

Winters, Catherine G (DEC)

From: Suzannah Glidden <suzannahglidden@optonline.net>
Sent: Thursday, January 6, 2022 5:59 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill SPDES Permit

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Suzannah Glidden
North Salem, NY 10560
914-485-1052
suzannahglidden@optonline.net

Winters, Catherine G (DEC)

From: Joel Gagnon <Joel.Gagnon@lightlink.com>
Sent: Friday, January 7, 2022 10:44 AM
To: Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

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Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

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Respectfully Submitted,

Joel Gagnon, Town of Danby Supervisor

Winters, Catherine G (DEC)

From: Sara Schultz <healplanet2018@gmail.com>
Sent: Thursday, January 6, 2022 4:53 PM
To: dec.sm.DEP.R9; Merchant, Kimberly (DEC)
Subject: Lockwood SPDES permit

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Sara Schultz

"See to it that you do not spoil and destroy My world; for if you do, there will be no one else to repair it."

(Kohelet Rabbah 7:13)

Sara Schultz

Sierra Club Niagara Chair

Amherst Energy Conservation Citizens Advisory Committee

Amherst Clean Energy Community Committee

Interfaith Climate Justice Community WNY

716-913-9941

Winters, Catherine G (DEC)

From: Michael Warren Thomas <michaelwarrenthomas@gmail.com>
Sent: Friday, January 7, 2022 4:34 PM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8
Subject: Lockwood SPDES permit process

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello - I am submitting these comments because I live in Rochester, which is part of the Finger Lakes tourism region. Greenidge will do as little as it can possibly get away with, and it is the job of the DEC to make sure that the public is heard in the permitting process, and to hold companies accountable for their actions. DEC decisions will have a huge impact on the long term health of Seneca Lake.

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Michael Warren Thomas

--

Michael Warren Thomas

www.SavorLife.com

585-703-9237

Proud of our world class wine region - The Finger Lakes!

Winters, Catherine G (DEC)

From: Anne Erling <erling.colafati@gmail.com>
Sent: Friday, January 7, 2022 5:03 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Please deny the Greenridge Bitcoin Mining permit, or extend the environmental review process for the Greenridge Bitcoin Mining Facility on Seneca Lake

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Merchant,

I ask that you either deny the Greenridge Bitcoin Mining permit, or extend the environmental review process for the Greenridge Bitcoin Mining facility on Seneca Lake. I understand that the environmental review is set to end today, but I worry that you may not have received as many comments as you might otherwise, given the recent holidays.

I am deeply concerned about bitcoin mining because of its impact on greenhouse gas emissions. NY State's Climate Leadership and Community Protection Act requires that we end our reliance on fossil fuels. This is not the time to begin new activities that draw extensive amounts of energy.

I also understand from the below email that there is reason for concern that coal ash ponds at this facility may be leaking pollutants into Seneca Lake.

Both because of excessive energy requirements, which spew deadly greenhouse gasses into our atmosphere, and because of pollutants leached into Seneca Lake, I oppose this bitcoin mining operation and ask that you deny its permit. If you have not yet arrived at a judgment to deny the permit, I ask that you extend the environmental review process to allow the public adequate time to provide comments on this.

Sincerely,

Anne Erling, Albany, NY

I attach, as well, this letter which I support:

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069**

Dear Ms. Merchant:

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Respectfully Submitted,

Anne Erling, Albany

Winters, Catherine G (DEC)

From: jabmp@htva.net
Sent: Thursday, January 6, 2022 6:39 PM
To: Merchant, Kimberly (DEC)
Subject: Objection to SPDES permit

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Dear Ms. Merchant:

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Respectfully Submitted,

Maggie Pitkin

4360 McIntyre Rd. Mecklenburg NY (Trumansburg mail route 14886)

Winters, Catherine G (DEC)

From: Douglas Knipple <dknipple@gmail.com>
Sent: Friday, January 7, 2022 2:03 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood SPDES permit renewal

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Douglas C. Knipple, Ph. D.
President, Finger Lakes Zero Waste Coalition, Inc.

Winters, Catherine G (DEC)

From: ratkin1@aol.com
Sent: Thursday, January 6, 2022 5:11 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Lockwood ash disposal

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069**

Application ID: 8-5736-00005/00001

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Respectfully Submitted,

Ruth Atkin

Town of Ithaca

Winters, Catherine G (DEC)

From: Kathryn Slining Haynes <kslininghaynes@gmail.com>
Sent: Thursday, January 6, 2022 4:38 PM
To: Merchant, Kimberly (DEC)
Subject: Lockwood Ash Disposal Landfill

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Kathryn Slining Haynes,
Geneva, NY

Winters, Catherine G (DEC)

From: Franklin David Becker <fbecker@cornell.edu>
Sent: Friday, January 7, 2022 12:52 PM
To: Merchant, Kimberly (DEC)
Subject: Proposed Bitcoin conversion

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Dear Ms. Merchant:

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Respectfully Submitted,

Franklin and Harriet Becker, Interlaken

Franklin Becker, PhD
Professor Emeritus
Department Design & Environmental Analysis
College of Human Ecology
CORNELL UNIVERSITY
Ithaca, New York
T: 607.351.2893
E: fbecker@cornell.edu

Winters, Catherine G (DEC)

From: Pamela Hughes <sierratrailblazer@gmail.com>
Sent: Thursday, January 6, 2022 4:06 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
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6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

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Pamela Hughes

Town of Marilla

--

"The world will not evolve past its current state of crisis by using the same thinking that created the situation." ~ Albert Einstein

Winters, Catherine G (DEC)

From: Tim Guinee <corneliusguin@gmail.com>
Sent: Thursday, January 6, 2022 4:07 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Sincerely yours, Tim Guinee, Stone Ridge, NY

Winters, Catherine G (DEC)

From: Wayne Fell <rebspm4998@gmail.com>
Sent: Thursday, January 6, 2022 4:13 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Respectfully Submitted,
Wayne and Patricia Fell
Lodi, NY

Winters, Catherine G (DEC)

From: M Samson <msamsonrn1@gmail.com>
Sent: Thursday, January 6, 2022 4:27 PM
To: R8@dec.ny.gov; Merchant, Kimberly (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/toq1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Marcey Samson
Former citizen of Romulus NY, currently in Bamberg SC

Winters, Catherine G (DEC)

From: Charley Bowman <renewableenergy@wnypeace.org>
Sent: Friday, January 7, 2022 10:37 PM
To: Merchant, Kimberly (DEC)
Cc: dec.sm.DEP.R8
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

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https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Charley Bowman, Ph.D.
Chair, Environmental Justice Taskforce of the Western NY Peace Center
1272 Delaware Ave
Buffalo, NY 14209

Charley Bowman
Environmental Justice Task Force
WNY Peace Center, Inc
1272 Delaware Ave
Buffalo, NY 14209
716-908-8227 (c)
<http://wnypeace.org/wp/task-forces/environmental-justice/>

"...[States have a] legitimate public interest to protect its citizens from oil trains and explosions, but in the context of the transportation of crude oil by rail, a State cannot use safety as a pretext for inhibiting market growth..." -- May 11, 2020, Robert J. Roberti, Chief Counsel, PHMSA

"The furnaces of the world now burn about 2 [billion] tons of coal a year. When this is burned, uniting it with oxygen, 7 [billion] tons of carbon dioxide to the atmosphere yearly. This tends to make a blanket for the earth and to raise its temperature. The effect may be considerable in a few centuries." A New Zealand newspaper in 1912: "COAL CONSUMPTION AFFECTING CLIMATE" Rodney and Otamatea Times, Waitemata and Kaipara Gazette, 14 August 1912

"We are like tenant farmers, chopping down the fence around our house for fuel, when we should be using nature's inexhaustible sources of energy—sun, wind, and tide....I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that." -- Thomas A. Edison - 1931

"Of the climatic effects induced by man, only that for CO₂ can be conclusively demonstrated to be globally significant.... We may be in for a climatic surprise. The onset of the era of CO₂-induced warming may be much more dramatic than in the absence of natural climatic variations" Wallace S. Broecker, 1975, Climatic Change: Are We on the Brink of a Pronounced Global Warming? Science 189: 460-463.

"In the first place, there is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels" -- James Black, 1977 -- Exxon Mobil's Senior Scientist

[In wealthy countries]..family planning is the single most cost-effective way to abate carbon dioxide emissions. Spending \$24 on wind energy averts 1 metric ton of carbon dioxide emissions. So does spending \$51 on solar energy. But spending just \$7 on family planning achieves the same result (2010 study, see <http://thebulletin.org/debating-link-between-emissions-and-population/green-sex-climates-sake>)

"Considering the various uses of coal throughout the world, we certainly do not utilize more than two per cent of its energy theoretically available." -- "THE PROBLEM OF INCREASING HUMAN ENERGY", by Nicolas Tesla, June 1900 <http://www.tfcbooks.com/tesla/1900-06-00.htm>
(N.B. Today, we burn coal at 35% efficiency -- i.e. 65% of the energy is lost heat)

Winters, Catherine G (DEC)

From: Ann Finneran <annfinneran@gmail.com>
Sent: Friday, January 7, 2022 9:26 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Cc: Seggos, Basil B (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

I am a native New Yorker, and a native of Painted Post. My favorites of all the beloved Finger Lakes are Keuka and Seneca.

I'm sure you are familiar with the DEC's mission, and how the DEC seeks to achieve that mission, but for the record, and for some points I make below, I am copying it here. (bold parts are my emphasis):

"To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."

DEC's goal is to achieve this mission through the simultaneous pursuit of environmental quality, public health, economic prosperity and social well-being, including environmental justice and **the empowerment of individuals to participate in environmental decisions that affect their lives.**

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment. *It behooves the DEC to arrange this to adhere to their own goal to achieve their mission (to empower individuals as made bold above).*

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These

documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation. *To not arrange the preparation of a full EIS clearly runs counter to the DEC's own mission.*

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation, *part of the DEC's goal to adhere to its mission statement, again, as indicated in bold above.*

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment, *and also, again, runs counter to the DEC's own goal for adhering to its mission.*

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together, and *runs counter to the DEC's own published mission statement.*

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here, or run counter to the DEC's own mission statement. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together, *and runs counter to the DEC's own mission statement.*

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA, *and runs counter to the DEC's own mission statement.*

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals. *To fail to consider the cumulative impacts would be to run counter to its own mission statement.*

DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA, and *counter to the DEC's published mission statement*, not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

To not schedule a legislative hearing, and to not deny the application runs counter to most aspects of the DEC's mission. It would seem to not do so could be interpreted as the DEC's adhering to only one small specific aspect of its mission, and the goal to achieve that: **"economic ... well-being"** and **"economic prosperity"** - the DEC is not running counter to the economic well being and economic prosperity *of only a very small group of people*. But that runs counter to the overall economic and social well being of the residents of the area, and I figure it no doubt runs counter to the economic prosperity of a majority of businesses in the area, and to the DEC's mission **"to prevent, abate and control water, land and air pollution"**

Thank you for your consideration, and for all your hard work.

Respectfully Submitted,

Ann L Finneran

Hurleyville, Town of Fallsburg, New York

Native of Painted Post, NY

Winters, Catherine G (DEC)

From: Abi Buddington <abibuddington@yahoo.com>
Sent: Thursday, January 6, 2022 2:44 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Cc: gasfreesenecagirl@gmail.com; muchado2@gmail.com; Rachel Treichler; Winton Buddington
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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VIA EMAIL

January 6, 2022

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

We are writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment. Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

We object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greendidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greendidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

[Mercury and antimony in wastewater: fate and treatment](#)

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greendidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greendidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study workplan pursuant to the Greendidge SPDES permit that allows Greendidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

We own property in the Town of Torrey on Seneca Lake. While we have the luxury of Village of Dresden water, many of our neighbors do not. We are concerned about the impacts on our neighbor's drinking water and also on the contamination of the Keuka Outlet and Seneca Lake for those who live in it and those who recreate in it as well. Fresh water is one of our world's most precious resources and therefore it must be well protected.

Because of the above points and objections, we request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Abi and Winton Buddington

Winters, Catherine G (DEC)

From: stopat2@lycos.com
Sent: Friday, January 7, 2022 10:38 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Public Comment on Greendidge crypto and coal ash

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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DEC has approved a dilution study workplan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,



South Shore Audubon Society

Post Office Box Thirty-One
Freeport, New York 11520
<http://ssaudubon.org>



Re: Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

We are requesting a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

The South Shore Audubon Society is fully cognizant that what transpires at Seneca Lake will have implications throughout the Empire State. Due diligence surrounding this permit process is critical for the welfare of all New Yorkers.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential for the public to make substantive comments but were not provided prior to the comment deadline.

We are requesting a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation relative to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill.

The renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations, and it should not be segmented from consideration of these mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA, which mandate public

involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greendidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

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[:https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf](https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Because of the above points and objections, we request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Guy Jacob, Conservation Co-Chair, SSAS

Winters, Catherine G (DEC)

From: guyjacob24@gmail.com
Sent: Thursday, January 6, 2022 5:35 PM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8
Subject: Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Attachments: Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit ID NY 0107069.pdf

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069

Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

Attached, please find our comments regarding the above referenced project.

Thank you,

Guy Jacob, Conservation Co-Chair, SSAS



Winters, Catherine G (DEC)

From: Joyce Marsh <jmarshcsw@yahoo.com>
Sent: Thursday, January 6, 2022 4:57 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

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https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Joyce Marsh

Town of Covert

Winters, Catherine G (DEC)

From: Will Fudeman <wfudeman@verizon.net>
Sent: Thursday, January 6, 2022 4:45 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: proposed Renewal and modification of Lockwood Ash Disposal Landfill Permit

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

William Fudeman

806 Giles Street

Ithaca, NY 14850

Winters, Catherine G (DEC)

From: Donna Davis <drfdavis@htva.net>
Sent: Thursday, January 6, 2022 3:44 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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Respectfully Submitted,

--
Donna R. Davis
607.535.6973
drfdavis@htva.net

Winters, Catherine G (DEC)

From: Kirk Peters <kjpdvm@hotmail.com>
Sent: Thursday, January 6, 2022 5:32 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

I have lived on Seneca Lake for over 20 years and have eye witnessed the eutrophication of this magnificent body of water. It must stop! Honor NYS's commitment to a greener, sustainable, and healthier environment! Bitcoin is imaginary money, Seneca Lake is real and priceless!
Sincerely, Kirk J Peters, DVM
Hector, NY

Winters, Catherine G (DEC)

From: Anne Bialke <annebialke@gmail.com>
Sent: Thursday, January 6, 2022 4:21 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected. I am a resident of the area and am deeply concerned about the health of Seneca Lake from an environmental standpoint and an economic one.

Respectfully Submitted,

Anne L. Bialke, Town of Covert

Winters, Catherine G (DEC)

From: foxlaw@ottcmail.com
Sent: Thursday, January 6, 2022 4:21 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Cc: info@senecalakeguardian.org
Subject: Seneca Lake

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Lawrence Reverby
Attorney at Law
6345 Cook Road
Box 368
Trumansburg, New York 14886
607 387 5566
lar9@cornell.edu
foxlaw@ottcmail.com

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

BELOW IS, OBVIOUSLY, A FORM LETTER. IT IS NECESSARY TO SAY WHAT IT DOES, BUT IT IS ALSO NECESSARY TO SAY THAT IT IS OBSCENE THAT EVERY 10 YEARS SOME INDUSTRY/COMPANY/ENERGY SUPPLIER COMES ALONG READY TO DUMP JUNK IN PRISTINE SENECA LAKE JUST BECAUSE IT'S THERE AND CLEAN. THOSE OF US WHO HAVE LIVED HERE AN EXTENDED PERIOD OF TIME (AND DONE SO BECAUSE OF THE LAKE'S BEAUTY AND HEALTH) CAN TELL YOU OF THE LONG STRUGGLES AGAINST PROPOSED GAS PIPELINES ACROSS THE FEDERAL FOREST, GAS STORAGE IN THE SALT MINES AND, AT LEAST, NOW THIS. ENOUGH. THESE PEOPLE and they are invariably come from somewhere else, ARE ALWAYS READY TO FOUL OUR HOMES FOR OUT OF DATE FUELS AND PROCESSES THAT GENERATE POLLUTION, WHICH IS TO SAY: POISON. ISN'T IT BAD ENOUGH THAT LIFE ON THE PLANET IS DANGEROUSLY THREATENED? DOESN'T IT MAKE SENSE TO STOP THIS HERE AND NOW? WELL, I CAN AND WILL SAY MORE AND SO WILL THE PEOPLE HERE. TAKE NOTE.

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Respectfully Submitted,

Lawrence Reverby
Attorney at Law
6345 Cook Road
Box 368
Trumansburg, New York 14886
607 387 5566
lar9@cornell.edu
foxlaw@ottcmail.com

January 6, 2022

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Re: Comments on the Proposed Renewal and Modification of
the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-
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Respectfully Submitted,

Les Monostory, President
New York State Division, IWLA
125 Euclid Drive
Fayetteville, NY 13066

Winters, Catherine G (DEC)

From: Robert Meek <robert.w.meek50@gmail.com>
Sent: Friday, January 7, 2022 10:42 AM
To: Merchant, Kimberly (DEC)
Subject: Seneca Lake Pollution Issue--Lockwood Ash Disposal Landfill

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I live in Ovid, NY, a town which has Seneca Lake and Cayuga Lake as its western and eastern borders, respectively. I use Seneca Lake regularly for recreational purposes and it is a vitally important resource to all in Western New York State and needs to be protected to the greatest extent possible. I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greenidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

The coal ash discharges from Lockwood are into the Keuka Outlet, the coal ash discharges for Greenidge are into adjacent Seneca Lake. Both permits require groundwater monitoring. It is a clear violation of SEQRA not to consider these permit renewals together.

This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

DEC must consider the cumulative impacts of the Greenidge toxic discharges, the Lockwood toxic discharges and the Ferro toxic discharges in evaluating the Lockwood permit renewals.

DEC has approved a dilution study work plan pursuant to the Greenidge SPDES permit that allows Greenidge and Ferro to mix their toxic discharges in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

I happen to be an attorney and would also point out that it is likely a violation of the new New York State Constitutional Amendment which was just approved by the people of New York State guaranteeing clean water and clean air and a healthful environment for all.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Robert W. Meek, Esq.
7980 County Road 153
Interlaken, NY 14847

Winters, Catherine G (DEC)

From: Patricia Rodriguez <prodriguez@ithaca.edu>
Sent: Thursday, January 6, 2022 5:28 PM
To: Merchant, Kimberly (DEC); dec.sm.DEP.R8
Subject: requesting legislative hearing

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Patricia Rodriguez
Burdett, NY

Winters, Catherine G (DEC)

From: Jane Lawson <janethelaw@gmail.com>
Sent: Thursday, January 6, 2022 3:28 PM
To: dec.sm.DEP.R8
Cc: Merchant, Kimberly (DEC)
Subject: Seneca Lake Pollution

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Winters, Catherine G (DEC)

From: Barbara Jastran <barbarajastran@gmail.com>
Sent: Friday, January 7, 2022 12:26 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Request for Schyler County

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Kimberly:

I am writing as a resident of Schyler County to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

I am aware that multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

Knowing that pollutants have breached Lake Ontario and have made fishing and eating your catch more and more undesirable, I don't want to see the same thing happen to Seneca Lake.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

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in an inland pond and discharge the mixed discharges into Seneca Lake.

It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Barbara Jastran & Paul Salon
3190 County Rt 6
Alpine, NY 14805

Winters, Catherine G (DEC)

From: Dorothy Pomponio <dcp2839@yahoo.com>
Sent: Friday, January 7, 2022 8:27 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC); gaynicholson@gmail.com; Ph. D. Gay Nicholson
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Attachments: Scan.pdf

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Deputy Regional Permit Administrator Kimberly A. Merchant, (Division of Environmental Permits):

I am writing to add my voice to the comments on Seneca Lake Pollution due to the Greenidge Bitcoin Mining Facility on Seneca Lake. I also would like to request a legislative hearing on the proposed SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. Please note that a public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Also, please let me add a few important points about cryptocurrency and bitcoin mining in general, which touches on why I-- or any other citizen of our area-- are interested in examining and fighting against this proposal:

Attached is a copy of the 1/7/22 New York Times Business page for your perusal. It refers to the use of bitcoin mining in the **country of Kazakhstan** which lately has become one of the world's largest hubs for the activity. Please pay special attention to the final sentence of the article:

"The Kazakh government, which at first welcomed crypto miners, was already growing wary of the activity, which taxed the country's energy grid". (Note: Page B2, 1/7/22 NY Times.)

In keeping with this point--**why should WE, New Yorkers, be subjected to this energy wasting process at a time when energy conservation is SO IMPORTANT due to climate change? NOT ONLY is the pollution from the coal ash a crucial issue, but, as well, the profits of the crypto currency industry should NOT come before the energy needs of the citizens of the Finger Lakes Region nor the energy needs of our state.**

In addition, it has come to my attention that this past Fall, 2021, the President (Bukele) of the country of El Salvador tried to bully its population and demanded that all the Salvadoran people switch over to cryptocurrency for everyday business operations. The people of that country are not technologically knowledgeable, and do not use or understand that currency, and therefore are vulnerable to corruption from the "savvy" crypto-miners. (Of course you must be knowledgeable of the risks and financial issues that crypto currency present to all of us.) The small businessmen of El Salvador rose in protest as CNN reported on 11/21/21 (CNN Business). "Speaking at an event closing a week-long promotion in El Salvador, President Bukele said the 'Planned City' (in the eastern region of La Union) would get geothermal power from a volcano and not levy any taxes except for a Value-Added- Tax (VAT)."

"Invest here and make all the money you want," Bukele said in English. "This is a fully ecological city that works and is energized by a volcano." Although Bukele is a popular president, opinion polls show Salvadorans are skeptical about his love of bitcoin, and its bumpy introduction has fueled protests against the government.

Let me conclude, Ms. Merchant, that although Ithaca could be called "a fully ecological city"--(if ever there was one in NY State), Ithaca is NOT energized by a volcano. No--Ithaca and Upstate NY needs the energy that the cryptocurrency industry is STEALING FROM THE PUBLIC!

Although you may feel that these points are not applicable to this particular permit for the Greenidge Bitcoin Mining Facility on Seneca Lake, I suggest that all of our citizens deserve a chance to attend a hearing on the proposed Lockwood SPDES permit. This hearing should address that permit BUT ALSO the other issues that the public might wish to consider: 1) wasteful energy usage during a time of dangerous climate change and 2) the potential for these crypto-miners to take advantage of our public resources, which are supposed to be for ALL of the public, not for some (corrupt) industry.

Thank you for your consideration.

**Dorothy Pomponio, MBA
206 Elm Street,
Groton, NY 13073
Town of Groton
607-898-5113**

Friday 1/7/22

B2

NY Times Page B2

TECHNOLOGY

Kazakhstan Unrest Upends Bitcoin Mining

Violent protests against the government in Kazakhstan led to intermittent internet shutdowns for a second day, as troops from a Russia-led military alliance arrived to restore order. The lack of connectivity disrupted huge cryptocurrency mining operations in the country, which has become one of the world's largest hubs for the activity.

Creating, or mining, Bitcoin and

other cryptocurrencies is a power-hungry process in which vast computer networks compete online for newly created crypto tokens. After authorities in China cracked down on crypto mining last year, coal-rich Kazakhstan became a popular alternative for miners.

The unrest raises the risks and costs of operating in the country, and could lead mining groups to move away. The Kazakh government, which at first welcomed crypto miners, was already growing wary of the activity, which taxed the country's energy grid.

EPHRAT LIVNI

Winters, Catherine G (DEC)

From: carey harben <kareyana@yahoo.com>
Sent: Thursday, January 6, 2022 5:36 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Save Seneca lake!

Protect all of the lakes
Before it's too late

Protect all wild lands
All
Water sources

It's time that our governing bodies
And Representatives
STOP

empowering low vibration greedy profit driven industries business corporations entities who are not
Prioritizing Environmental and community health

Protect the waters
the land
And any and ALL
Remaining wildlife
And
Undeveloped and sacred wild land
in New York State !

Period
That's it

This bit coin / reopening gas facility
And adding more casinos and resorts
Is a bunch of crap !

Sincerely
Careyana

Sent from my iPhone

Winters, Catherine G (DEC)

From: Jacquelyn Aman <jackiaman64@gmail.com>
Sent: Friday, January 7, 2022 10:32 AM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Good morning, Ms. Merchant and all DEC Staff —

I live in Interlaken, Town of Lodi, Seneca County, between Seneca and Cayuga lakes. I am a native of the Finger Lakes, and grew up on Seneca Lake as a small child. The most important task this year is to protect our precious lakes for our children and grandchildren. I love Seneca Lake, and we as a community must protect our gem! We look up to the DEC, and I beg you to halt all activities at the Lockwood Ash Disposal Landfill.

I care deeply for the Finger Lakes, and as a parent and someday grandparent, I hope you have as much care and concern for Seneca Lake and the surrounding lakes as I and my family does. This mission is important to me, and our community is concerned.

I look forward to an update that is positive, and trust you can make it happen. Thanks for advocating. It's not an easy task, but so important!

*Sincerely,
Jacquelyn Depew Aman
Town of Lodi, Seneca County
607-279-0459*

Winters, Catherine G (DEC)

From: tim devey <timbear51@yahoo.com>
Sent: Friday, January 7, 2022 12:14 PM
To: Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Please do not allow more pollution at the landfill o

[Sent from Yahoo Mail on Android](#)

Winters, Catherine G (DEC)

From: Ann Cain Crusade <anncc3@gmail.com>
Sent: Saturday, January 8, 2022 1:14 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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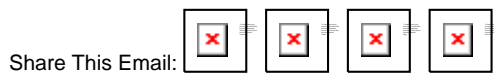
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Respectfully Submitted,
Ann Cain Crusade and Ernfred Anderson Crusade
Town of Starkey
Yates County

YOUR NAME AND TOWN HERE

Would you like to forward this email to a friend? [Click here.](#)



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Address postal inquiries to:

Seneca Lake Guardian
600 N Franklin St #333
Watkins Glen, NY 14891

--

Ann Cain Crusade, RN, MSAOM
Acupuncture and Herbal Medicine
315 200 8183

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters, Catherine G (DEC))
Subject: Fw: Stop polluting Seneca Lake
Date: Wednesday, February 16, 2022 11:55:59 AM

From: Iris Hiskey Arno <hisk37@gmail.com>
Sent: Saturday, January 8, 2022 12:11 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>; Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>
Subject: Stop polluting Seneca Lake

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,
Iris Hiskey Arno
Hastings-on-Hudson, NY

From: dec.sm.DEP.R8
To: [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov); [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:10:18 PM

From: Sandra Smith <srsmith527@yahoo.com>
Sent: Friday, January 7, 2022 9:45 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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Respectfully Submitted,

Sandra R Smith
Waterloo NY

Winters, Catherine G (DEC)

From: Dan Belliveau <fltouring@gmail.com>
Sent: Thursday, January 6, 2022 5:07 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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As an avid sailor on Seneca Lake, I hold the health of the waters and fish to be of utmost concern to me. Please protect Seneca Lake and deny these dangerous activities. Thank you

Respectfully Submitted,

Daniel Belliveau
95 Lafayette Avenue
Geneva, New York
14456

Winters, Catherine G (DEC)

From: robert romick <bromick1@yahoo.com>
Sent: Thursday, January 6, 2022 4:49 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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I live close to Seneca Lake. The economy of this region depends on the tourism which is only possible with a healthy lake.

Respectfully Submitted,

Robert Romick, Town of Lodi, NY

Winters, Catherine G (DEC)

From: Linda Christensen <lgchriste@gmail.com>
Sent: Thursday, January 6, 2022 3:58 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Linda Christensen

PS We frequently kayak and swim near Lodi Point on Seneca Lake. I own a business that is dependent on local tourism. It is located between Cayuga and Seneca lakes.

Winters, Catherine G (DEC)

From: Ross Horowitz <rossmhorowitz@gmail.com>
Sent: Thursday, January 6, 2022 3:45 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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6274 East Avon-Lima Road
Avon, New York 14414
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Seneca Lake is not a cesspool, please don't allow it to become one.

Respectfully Submitted,

Ross M. Horowitz
820 W King Rd.
Ithaca, NY 14850
tel. 646.703.4445
email. rossmhorowitz@gmail.com

Winters, Catherine G (DEC)

From: Jeffrey Elliot <jeffreyelliot10@gmail.com>
Sent: Thursday, January 6, 2022 3:32 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Jeffrey Elliot
Airmont, NY

Winters, Catherine G (DEC)

From: Richard Gilbert <rsgilbert@uuma.org>
Sent: Thursday, January 6, 2022 3:29 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

As one who has owned a cottage on the East Side of Seneca Lake since 1975, I have real concern for the pollution of this fresh water lake, which with other Finger Lakes, centers a green future if protected from those who would pollute it. The Finger Lakes are not only an economic engine for the region, but also illustrate what a green future would look like. Anyone who has observed a sunset over the water or has seen the two wind turbines at the north end of the lake framed against the sky, knows what I mean. It is a valuable and unique resource which must be defended and protected. It cannot speak for itself.

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

Multiple requests were made and ultimately denied by DEC for an extended public comment period since the time frame covered the holiday season when many were unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

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The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some

research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Rev. Dr. Richard S. Gilbert
3812 Pastime Park
Geneva, NY 14456

585-244-7403 Phone and FAX

585-738-8229 Cell

Rsgilbert@uuma.org

Winters, Catherine G (DEC)

From: Laurie Steinhorst <lsteinhorst2@gmail.com>
Sent: Thursday, January 6, 2022 3:30 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Laurie Steinhorst
8545 Lower Lake Road
Lodi, NY. 14860

Winters, Catherine G (DEC)

From: Jeffrey Lee Abbott <abbott@maui.net>
Sent: Thursday, January 6, 2022 3:28 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,
Jeffrey Abbott , Town of Fayette

Winters, Catherine G (DEC)

From: Amy Harlib <amyharlib@e-activism.com>
Sent: Thursday, January 6, 2022 3:27 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I totally support these below statements from Seneca Lake Guardian.

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Respectfully Submitted,
Amy Harlib
NYC

Winters, Catherine G (DEC)

From: Keith Alexander <kalexander@alexandercg.com>
Sent: Thursday, January 6, 2022 3:15 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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VIA EMAIL

Kimberly A. Merchant
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Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Dear Ms. Merchant:

As a homeowner and property owner on Seneca Lake (whose potable water supply comes directly from Seneca Lake), we are writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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Respectfully Submitted,

Keith and Lynn Alexander
Burdett, NY 14818
Town of Hector
Schuyler County

Winters, Catherine G (DEC)

From: Roxanne Kelly <roxannekelly@gmail.com>
Sent: Thursday, January 6, 2022 3:15 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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Respectfully Submitted,
Roxanne Kelly
4228 Teall Beach, Geneva, NY 14456

Winters, Catherine G (DEC)

From: rwmeyer@frontiernet.net
Sent: Thursday, January 6, 2022 3:11 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

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New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
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E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Robert Meyer, Canandaigua, NY

Winters, Catherine G (DEC)

From: Peggy Haine <peggyhaine.1@gmail.com>
Sent: Thursday, January 6, 2022 3:10 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Proposed Lockwood SPDES permit

Categories: Red category

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Kimberly A. Merchant
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Division of Environmental Permits
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Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

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together.

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges:

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Peggy Haine
Town of Hector, NY
phone: 607.387.5171

Winters, Catherine G (DEC)

From: Denise Speicher <dspeicher86_8@yahoo.com>
Sent: Thursday, January 6, 2022 3:26 PM
To: dec.sm.DEP.R8
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Categories: Red category

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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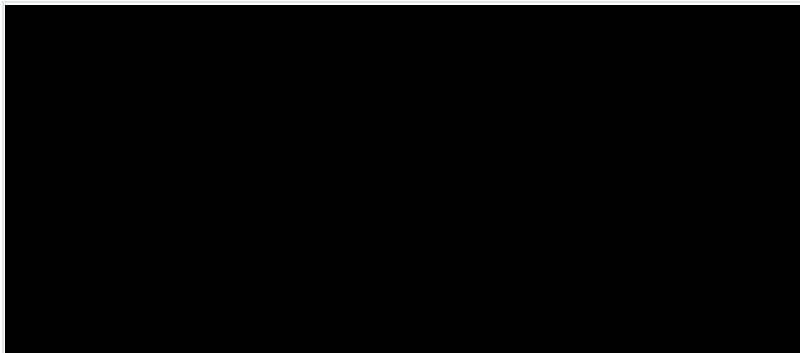
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I vacation on Seneca Lake. It is incredible that these proposed projects jeopardize the purity of these waterways. How could anyone with a mind on future generations rather than short term gain think about such a thing? Please allow those of those who care to educate people on this short sighted proposition. Respectfully Submitted, Denise Speicher, Winton Rd N. Rochester, NY 14610



Mercury and antimony in wastewater: fate and treatment

It is important to understand the fate of Hg and Sb within the wastewater treatment process so as to examine pot...

Winters, Catherine G (DEC)

From: Stevan Ramirez <sram98@yahoo.com>
Sent: Thursday, January 6, 2022 3:08 PM
To: dec.sm.DEP.R8
Subject: Landfill

Categories: Red category

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Stevan Ramirez
1293 Arrowhead Beach Road,
Dresden, NY 14441



Winters, Catherine G (DEC)

From: Rosemary and Jim covert <rjcovert@sympatico.ca>
Sent: Friday, January 7, 2022 12:15 PM
To: dec.sm.DEP.R8; Merchant, Kimberly (DEC)
Subject: Greenidge Bitcoin Mining Facility on Seneca Lake

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

The proposed Greenridge Bitcoin mining Facility on Seneca Lake is an industrial nightmare on so many levels. It is hard to understand how they have been allowed to operate so long with a coal ash deposit left from the former coal plant still on site. This problem is exacerbated by their accepting additional landfill from other areas. The protection of Seneca Lake is threatened by the leachate from this ash deposit as well as the bitcoin operation that has yet to be curtailed. The Finger Lakes has been a depressed area for many years and has only recently been recognized for its great beauty and fertile ground. The Seneca County area has the potential to rise out of poverty and retain students who have left the area for decades because of a lack of opportunity.

Anything that pollutes Seneca Lake from this source is going to cause untold damage to the recovery of this area. Decisions made by this state government will not only save millions of dollars in funds now given to alleviate poverty in the area but will also give new hope to the young people of South Seneca county.

Please do not allow Greenridge to damage the source of hope and prosperity for the Lodi area where I was born and to which I return each year.

Dr. James R. Covert, Lodi, New York



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Charley Bowman](#)
To: [Merchant, Kimberly \(DEC\)](#)
Cc: [dec.sm.DEP.R8](#)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Friday, January 7, 2022 10:39:08 PM

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Respectfully Submitted,

Charley Bowman, Ph.D.
Chair, Environmental Justice Taskforce of the Western NY Peace Center
1272 Delaware Ave
Buffalo, NY 14209

Charley Bowman
Environmental Justice Task Force
WNY Peace Center, Inc
1272 Delaware Ave
Buffalo, NY 14209
716-908-8227 (c)
<http://wnypeace.org/wp/task-forces/environmental-justice/>

"...[States have a] legitimate public interest to protect its citizens from oil trains and explosions, but in the context of the transportation of crude oil by rail, a State cannot use safety as a pretext for inhibiting market growth..." -- May 11, 2020, Robert J. Roberti, Chief Counsel, PHMSA

"The furnaces of the world now burn about 2 [billion] tons of coal a year. When this is burned, uniting it with oxygen, 7 [billion] tons of carbon dioxide to the atmosphere yearly. This tends to make a blanket for the earth and to raise its temperature. The effect may be considerable in a few centuries." A New Zealand newspaper in 1912: "COAL CONSUMPTION AFFECTING CLIMATE" Rodney and Otamatea Times, Waitemata and Kaipara Gazette, 14 August 1912

"We are like tenant farmers, chopping down the fence around our house for fuel, when we should be using nature's inexhaustible sources of energy—sun, wind, and tide....I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that." -- Thomas A. Edison - 1931

"Of the climatic effects induced by man, only that for CO2 can be conclusively demonstrated to be globally significant.... We may be in for a climatic surprise. The onset of the era of CO2-induced warming may be much more dramatic than in the absence of natural climatic variations" Wallace S. Broecker, 1975, Climatic Change: Are We on the Brink of a Pronounced Global Warming? Science 189: 460-463.

"In the first place, there is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels" -- James Black, 1977 -- Exxon Mobil's Senior Scientist

[In wealthy countries]..family planning is the single most cost-effective way to abate carbon dioxide emissions. Spending \$24 on wind energy averts 1 metric ton of carbon dioxide emissions. So does spending \$51 on solar energy. But spending just \$7 on family planning achieves the same result (2010 study, see <http://thebulletin.org/debating-link-between-emissions-and-population/green-sex-climates-sake>)

"Considering the various uses of coal throughout the world, we certainly do not utilize more than two per cent of its energy theoretically available." -- "THE PROBLEM OF INCREASING HUMAN ENERGY", by Nicolas Tesla, June 1900 <http://www.tfcbooks.com/tesla/1900-06-00.htm> (N.B. Today, we burn coal at 35% efficiency -- i.e. 65% of the energy is lost heat)

From: dec.sm.DEP.R8
To: [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov); [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov)
Subject: Fw: Comments on Proposed Renewal and Modification of Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:35:30 PM

From: wiederpa@aol.com <wiederpa@aol.com>
Sent: Friday, January 7, 2022 8:26 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on Proposed Renewal and Modification of Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

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Dear Ms. Merchant:

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Valdi Weiderpass
809 Madeline Drive
Endicott, NY 13760
email: wiederpa@aol.com

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters,Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant,Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:40:33 PM

And a third

From: Tessa Flores <tessasage47@gmail.com>
Sent: Friday, January 7, 2022 3:44 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>; kimberly.merchant@dec.ny.gov <kimberly.merchant@dec.ny.gov>; tessasage47@gmail.com <tessasage47@gmail.com>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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--
Please note: my new email address is tessasage47@gmail.com

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Tessa Sage Flores

Ithaca, NY

[Remove my name from all future mass email communications.](#)

Address postal inquiries to:
Seneca Lake Guardian
600 N Franklin St #333
Watkins Glen, NY 14891



From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:41:30 PM

And a fourth

From: Elaine Mansfield <Elaine@lightlink.com>
Sent: Friday, January 7, 2022 2:25 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>; Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Elaine Mansfield

Elaine Mansfield

Leaning into Love: A Spiritual Journey through Grief (Oct. 2014)

www.elainemansfield.com

Office: 607-592-4354

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:50:46 PM

And a 7th

From: Steve Bromka <sbromka@gmail.com>
Sent: Friday, January 7, 2022 11:48 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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V/r,
Steve & Patty Bromka
575 Sunset Court
Romulus, NY 14541

--

Steve Bromka
667-231-1204

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:51:24 PM

8th

From: Lynn Crane <craney6@gmail.com>
Sent: Friday, January 7, 2022 11:39 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Lynn Crane
Dresden, NY resident

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Lockwppd Ash Disposal
Date: Wednesday, February 16, 2022 12:51:49 PM

9th

From: John Gant <gcaffe@gmail.com>
Sent: Friday, January 7, 2022 11:16 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Lockwppd Ash Disposal

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VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact

statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

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John Gant

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:52:32 PM

10th

From: Sally Ward <sally@wardleadership.com>
Sent: Friday, January 7, 2022 11:12 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I grew up on the east side of Seneca Lake in a farming community that is now in the heart of the wine and tourism industry. After years of economic struggle, this area has at last experienced economic resurgence thanks to the aforementioned industry. My husband and I own property there, in part to help preserve the rural character and in part to offer seasonal accommodation to tourists. We have been very concerned with the water quality of Seneca Lake and the impacts on health, recreation and tourism.

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Respectfully Submitted,

Sarah(Sally) Ward, Rush, New York

Sally Ward, CPCC, PCC

Ward Leadership

www.wardleadership.com

585-533-2415

www.linkedin.com/in/wardleadership

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Lockwood Ash Disposal Landfill and the Greenidge Generating Station !
Date: Wednesday, February 16, 2022 12:53:14 PM

11th

From: Michael Black <darkhumorbymikeblack@hotmail.com>
Sent: Friday, January 7, 2022 11:08 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Lockwood Ash Disposal Landfill and the Greenidge Generating Station !

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Dear Ms. Merchant:

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Respectfully Submitted,

Michael D. Black

5139 Elm Rd.

Dundee, NY 14837

darkhumorbymikeblack@hotmail.com

From: dec.sm.DEP.R8
To: [Merchant, Kimberly \(DEC\)](#); [Winters, Catherine G \(DEC\)](#)
Subject: Fw: Objection to SPIDES Permit
Date: Wednesday, February 16, 2022 12:55:49 PM

14th

From: William J. Carroll <wjc28@cornell.edu>
Sent: Friday, January 7, 2022 10:22 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Objection to SPIDES Permit

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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It is a clear violation of SEQRA not to consider the cumulative impacts of the discharges from these three sources into Seneca Lake, its tributary Keuka Outlet and the connected groundwater aquifer in the Town of Torrey.

Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

William J Carroll, Ph. D

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:57:13 PM

15th

From: The Petzolds <thepetzolds@htva.net>
Sent: Friday, January 7, 2022 9:05 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>; Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

Mercury is a highly toxic element; **there is no known safe level of exposure.** Ideally, neither children nor adults should have any mercury in their bodies because it provides no physiological benefit. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3096006/>
So why are you party to the poisoning of Seneca Lake? YOUR JOB IS TO PROTECT IT!

I am writing to request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at the Lockwood Ash Disposal Landfill and the Greenidge Generating Station. A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

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unable to review the permit application materials. Further, multiple requests were made for additional material, describing the basis for the Type II SEQRA determination announced on Dec 8. These documents were deemed essential in order for the public to make substantive comments but were not provided prior to the comment deadline.

I object to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for negotiations between DEC and Greenidge Generation Holdings Inc only, without the inclusion of public participation.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together.

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https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Respectfully Submitted,

Mark Petzold of Tioga Center and Geneva NY

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 1:04:33 PM

19th

From: rovedonivo@optimum.net <rovedonivo@optimum.net>
Sent: Thursday, January 6, 2022 8:22 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>; Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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**Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

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[:https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf](https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf)
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4764622/>

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Respectfully Submitted,

Nivo Rovedo, LaGrangeville, NY

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit,
Date: Wednesday, February 16, 2022 1:08:11 PM

21st. Zollo.

From: John Z <jpoc60@yahoo.com>
Sent: Thursday, January 6, 2022 7:38 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit,

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**Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069**

Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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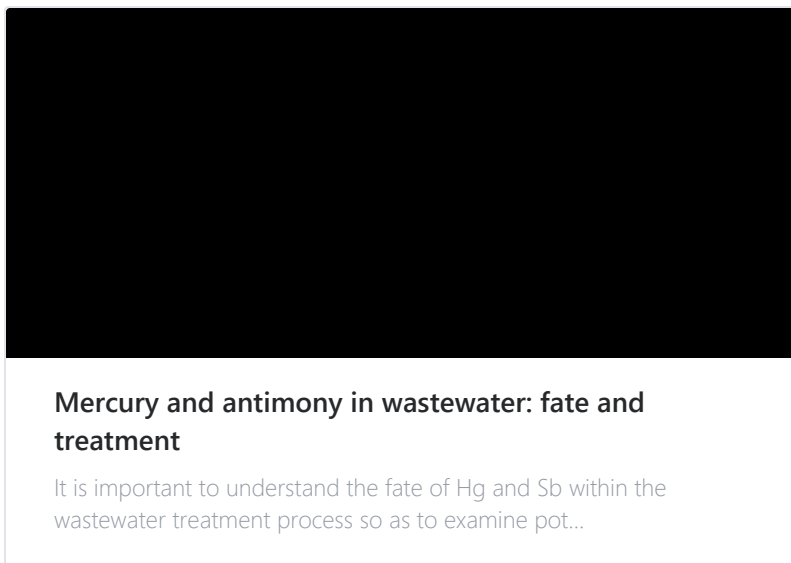
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https://www.dec.ny.gov/docs/water_pdf/tog1310final.pdf

[Mercury and antimony in wastewater: fate and treatment](#)



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John A Zollo

Penn Yan NY

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 1:09:05 PM

22nd

From: michalakllc <michalakllc@gmail.com>
Sent: Thursday, January 6, 2022 7:26 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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Respectfully Submitted,
David S Michalak

Sent from my iPhone

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 1:10:19 PM

23rd

From: Joanne Swetman <jaswetman57@aol.com>
Sent: Thursday, January 6, 2022 7:24 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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Kimberly A. Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov, kimberly.merchant@dec.ny.gov

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

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Because of the above points and objections, I request that a legislative hearing be scheduled on the proposed Lockwood SPDES permit and that the current permit application be rejected.

Respectfully Submitted,

Joanne Swetman

Have some strength to Stand Up Do the Right Thing!

Sent from my iPhone

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Comments on Lockwood Ash Disposal Landfill
Date: Wednesday, February 16, 2022 1:03:22 PM

18th

From: John Cooley Sr. <jhcooley@aol.com>
Sent: Thursday, January 6, 2022 8:27 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on Lockwood Ash Disposal Landfill

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

I live in Town of Starkey in the watershed of Seneca Lake, and share concerns that others have raised and sent to you. I appeal to you to respond to those concerns by holding a legislative hearing open to the public.

This concerns the Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

John Cooley, MD

John H. Cooley, Dundee, NY

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@dec.ny.gov); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@dec.ny.gov)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 1:06:55 PM

From: ravnitzky@gmail.com <ravnitzky@gmail.com>
Sent: Thursday, January 6, 2022 8:21 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

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January 7, 2022
VIA EMAIL

Kimberly A. Merchant
Deputy Regional Permit Administ

Division of Environmental Permits
New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414
E-mail: DEP.R8@dec.ny.gov , kimberly.merchant@dec.ny.gov

**Re: Comments on the Proposed Renewal and Modification of the
Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069
Application ID: 8-5736-00005/00001**

Dear Ms. Merchant:

On behalf of our members, the Sierra Club Atlantic Chapter, Seneca Lake Guardian, the Committee to Preserve the Finger Lakes, Cayuga Lake Environmental Action Now: CLEAN and _____ respectfully submit the following comments objecting to the proposed renewal and modification of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

The Lockwood Ash Disposal Landfill is owned by Lockwood Hills LLC. The landfill is adjacent to Greenidge Generating Station and takes the waste from the G(nerating Station. Both Lockwood Hills, LLC and the owner of Greenidge Generating Station, Greenidge Generation LLC, are wholly owned subsidiaries of Greenidge Generation Holdings Inc., which recently listed its shares on the New York Stock Exchange.[1][1]

Notice of the proposed modification and renewal of the Lockwood SPDES permit was given by the New York State Department of Environmental Conservation (DEC) in its Environmental Notice Bulletin on December 8, 2021.[2][2]

We request a legislative hearing on the proposed Lockwood SPDES permit because there is a significant degree of public interest in this permitting process and how it relates to other ongoing permitting and regulatory processes at Lockwood Ash Disposal Landfill and Greenidge Generating Station. A number of substantive and significant adverse

environmental impacts are identified in this letter and in our comment letter on the proposed Greenidge air permits dated November 19, 2021. (A copy of our November 19 letter is attached as Exhibit A.) A public hearing will aid DEC's decision-making processes by providing a forum for the collection of public comment.

The overall project of which the renewal of the Lockwood SPDES permit is a part is the repurposing of Greenidge Station for bitcoin mining operations. DEC has treated this project as a matter for bilateral negotiations between DEC and Greenidge Generation Holdings Inc. DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project are contrary to the requirements of SEQRA which mandates public involvement in processes of giving regulatory approval to actions that may have an impact on the environment. DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as a separate process and then characterizing these individual permitting processes as exempt from review under SEQRA. This use of segmentation on a grand scale is completely contrary to the requirements of SEQRA.

This letter makes the following points:

[I. Modification of the Lockwood SPDES Permit Is a Segment of a Type I](#)

[Action](#)

[under SEQRA](#)

[A. Repurposing Greenidge Generating Station for Bitcoin Mining is a Type I Action under SEQRA](#)

[B. Operations at Lockwood Landfill are Inextricably Linked to Operations at Greenidge Generating Station](#)

[C. Modifications of the Lockwood SPDES Permit Must Be Considered](#)

[Together with Modifications to the Lockwood Part 360 Permit, the Greenidge SPDES Permit and the Greenidge Air Permits](#)

[D. Modification of the Lockwood SPDES Permit Does Not Constitute a Type II Action under SEQRA](#)

[II. Cumulative Impacts of Discharges from Lockwood, Greenidge and Ferro—](#)

[Tran selco Division Must Be Addressed in a Full Environmental Impact Statement](#)

[E. Groundwater Monitoring under Lockwood SPDES Permit, Lockwood Part 360 Permit and Greenidge SPDES Permit](#)

[F. Hydrogeologic Investigation Report under Lockwood Part 360 Permit](#)

[G. Mercury Minimization Reporting Requirements under Lockwood SPDES Permit and Greenidge SPDES Permit](#)

[H. Seneca Lake Water Quality Studies Required in Dilution Study Plan under Greenidge SPDES Permit](#)

Conclusion

In these circumstances, the Lockwood SPDES permit must be denied because DEC's Type II determination is incorrect, and no SEQRA review has been conducted of the current bitcoin operations at Greenidge. For all the facts and reasons delineated above, the material physical changes and changes in operations at the Facility must be reviewed under SEQRA. Because they have not been, the permits must be denied.

Respectfully submitted,

Jerry Ravnitzky

Co-Founder

Stop the Adirondack Pipeline Extension (SAPE)

124 Hill Street
Mahopac, NY 10541
ravnitzky@gmail.com

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:58:40 PM

16th. Here is one that is not the template. But I think this has been asked by others.

From: Meg Jastran <mmc17@cornell.edu>
Sent: Friday, January 7, 2022 8:41 AM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Merchant,

I am learning more about the old Greenidge Generating Station use by a private industry and am dismayed to learn that the DEC doesn't feel the public who live in this region should have the option to comment on which regulations are applied to the industry.

DEC's efforts to exclude the public from participation in the negotiations surrounding the repurposing project is contrary to the requirements of SEQRA which mandate public involvement in processes of giving regulatory approval to actions that may have an impact on the environment. Getting public involvement is part of your job.

DEC seeks to exclude the Greenidge repurposing project from SEQRA review by treating each of the required permits for the project as separate processes and then characterizing these individual permitting processes as exempt from review under SEQRA. It is a clear violation of SEQRA not to consider these permit renewals together. I am surprised at this seemingly cowardly approach in times that even those of us not in the environmental field can see are changing. We must be looking with new eyes at everything in light of the looming climate crisis we all must tackle!

There are coal ash ponds on the Greendidge Generating Station site as well as the Lockwood site. Both SPDES permits have Mercury Minimization Plans that allow Greenidge and Lockwood to make mercury discharges of 50 ng/L, far in excess of the standard 0.7 ng/L mercury limits. 50 ug/L isn't justified and the facility should meet the water quality standard of 0.7 ug/L. DEC has required 0.7 ug/L in SPDES permits for wastewater treatment permits lately and they should be required here. Links to the discharge variance and some research from the UK provide all of the different technologies that could be used to reduce mercury in wastewater discharges. We are all aware of European countries leading the way in environmental efforts and innovations. I would expect the DEC to be aware of these new technologies and directions, leading the way out of our huge global environmental crises.

It seems the plant energy system is highly inefficient (around 35%) and that the company, of course, is using very high amounts of energy for their operations. Clearly, this is an industry that we should deal with most carefully because of the high energy usage. It looks as if the DEC is moving in an opposite direction by finding a way not to regulate them strictly or correctly.

I strongly object to the proposed renewal and modification plan of the SPDES permit for the Lockwood Ash Disposal Landfill without the preparation of a full environmental impact statement evaluating the environmental impacts of the repurposing of the Greenidge Generating Station and its component landfill as a bitcoin mining operation.

Thank you!

Margaret Jastran
Interlaken, NY

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](mailto:Winters.Catherine.G@DEC); [Merchant, Kimberly \(DEC\)](mailto:Merchant.Kimberly@DEC)
Subject: Fw: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001
Date: Wednesday, February 16, 2022 12:43:53 PM

And a 6th

From: Jennifer Grant <jengrant5316@gmail.com>
Sent: Friday, January 7, 2022 12:36 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Cc: Jennifer Grant <jengrant5316@gmail.com>; Jacob FOX 2020 <foxjacob@me.com>; supervisor@townofgeneva.com <supervisor@townofgeneva.com>
Subject: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: Comments on the Proposed Renewal and Modification of the Lockwood Ash Disposal Landfill SPDES Permit, ID: NY-0107069 Application ID: 8-5736-00005/00001

Dear Ms. Merchant:

I am writing on behalf of the Town of Geneva Sustainability Committee, to request a legislative hearing on the proposed Lockwood SPDES permit. Our Town drains into Seneca Lake and includes approximately five miles of shoreline. We believe the Greenidge Station bitcoin mining operations and the associated proposed landfill permit modification will harm Seneca lake, and therefore we oppose both. The population of the Town and City of Geneva is nearly 20,000 residents, and we depend on Seneca Lake for our drinking water. We are passionate about protecting Seneca Lake, and the entire Oswego River/Finger Lakes Watershed that drains into Lake Ontario—for drinking water, as habitat for fish and wildlife, and for recreational opportunities and tourism. All of these are vital to our overall economic and environmental viability and health.

Sincerely,
Jennifer Grant, Chair
Town of Geneva Sustainability Committee

From: dec.sm.DEP.R8
To: [Winters, Catherine G \(DEC\)](#); [Merchant, Kimberly \(DEC\)](#)
Subject: Fw: Lockwood Ash Disposal
Date: Wednesday, February 16, 2022 12:43:05 PM

And a fifth

From: Susan Dugolinsky <susandugolinsky@gmail.com>
Sent: Friday, January 7, 2022 12:41 PM
To: dec.sm.DEP.R8 <DEP.R8@dec.ny.gov>
Subject: Lockwood Ash Disposal

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I am a resident in Hector, NY. Our drinking water source is Seneca Lake. We have lived here 50 years. The threats to our lake have increased during the years. Please do not allow more toxic pollution to flow into many residents' drinking water. More hearings need to be held concerning the Lockwood Ash Disposal Landfill SPDES Permit.
Thank you. Susan Dugolinsky

From: [Tim Panaski](#)
To: [Winters, Catherine G \(DEC\)](#)
Subject: RE: Lockwood Mercury Data Question
Date: Thursday, March 10, 2022 3:57:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Q1 2017 Dec-Jan-Feb DMR.pdf](#)
[Lockwood 2018 Q3 DMR.pdf](#)
[Lockwood Q4 2019 DMR.pdf](#)

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Catherine,

I apologize for the late response on this. All the dates in question were quarters of no discharge. Attached are the full DMRs showing no discharge which align with the dates requested below.

Let me know if you need anything else.

V/r

Tim Panaski, CSP
Director, Safety & Sustainability

590 Plant Road
PO Box 187
Dresden, NY 14441
tpanaski@greenidge.com
Office (315) 536-2359 x3274
Mobile (607) 796-2112



From: Winters, Catherine G (DEC) <Catherine.Winters@dec.ny.gov>
Sent: Thursday, March 10, 2022 3:43 PM
To: Tim Panaski <TPanaski@greenidge.com>
Subject: RE: Lockwood Mercury Data Question

Hi, Tim.

I'm following up my email below.

Thank you,

Catherine Winters
([she/her/hers](#))
Environmental Program Specialist

Bureau of Water Permits, Division of Water

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233

P: 518-402-8288 | F: 518-402-9029 | catherine.winters@dec.ny.gov

www.dec.ny.gov |  |  | 

“When you look at it the right way, the whole world is a garden.” – Mary Lennox, [The Secret Garden](#)

From: Winters, Catherine G (DEC)
Sent: Tuesday, March 1, 2022 2:59 PM
To: Tim Panaski <TPanaski@greenidge.com>
Subject: Lockwood Mercury Data Question

Hi, Tim.

EPA commented on the Lockwood permit and asked a question about gaps in the data (Comment #1). “There are several periods of 10 or more consecutive mercury results, all well below the limit of 50 ng/L. Where the results are not consecutive, there is a gap of no more than one quarterly monitoring event, with no data. EPA would like to know if this is a period of no discharge. We have attached an ICIS pull of the most recent five years of mercury levels for this facility.”

Can you confirm the DMRs with no mercury data have no data due to a lack of discharge at the time (DMR submission dates of 3/24/2017, 9/28/2018,12/27/2019).

Thank you,

Catherine Winters

(she/her/hers)

Environmental Program Specialist
Bureau of Water Permits, Division of Water

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233

P: 518-402-8288 | F: 518-402-9029 | catherine.winters@dec.ny.gov

www.dec.ny.gov |  |  | 

“When you look at it the right way, the whole world is a garden.” – Mary Lennox, [The Secret Garden](#)

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DMR Copy of Record

Permit					
Permit #:	NY0107069	Permittee:	LOCKWOOD HILLS LLC	Facility:	LOCKWOOD ASH DISPOSAL SITE
Major:	No	Permittee Address:	590 PLANT ROAD DRESDEN, NY 14441	Facility Location:	SWARTHOUT ROAD DRESDEN, NY 14441
Permitted Feature:	001 External Outfall	Discharge:	001-Q SEDIMENTATION/NEUTRALIZATION		

Report Dates & Status					
Monitoring Period:	From 12/01/16 to 02/28/17	DMR Due Date:	04/28/17	Status:	NetDMR Validated

Considerations for Form Completion
ENTER 'NODI 9' IN PLACE OF MEASUREMENTS FOR PARAMETERS NOT APPLICABLE DURING THE MONITORING PERIOD.

Principal Executive Officer					
First Name:	Dale	Title:	President	Telephone:	315-536-2359
Last Name:	Irwin				

No Data Indicator (NODI)
Form NODI: --

Code	Parameter Name	Monitoring Location	Season #	Param. NODI	Quantity or Loading					Quality or Concentration					# of Ex.	Frequency of Analysis	Sample Type				
					Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3				Value 3	Units		
00011	Temperature, water deg. fahrenheit	1 - Effluent Gross	0	--	Sample														15 - deg F	01/BA - Once Per Batch	GR - GRAB
					Permit Req.														Req Mon DAILY MX		
					Value NODI														C - No Discharge		
00056	Flow rate	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	CA - CALCTD
					Permit Req.														Req Mon DAILY AV <=		
					Value NODI														C - No Discharge		
00400	pH	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	GR - GRAB
					Permit Req.														>=		
					Value NODI														6 MINIMUM		
																			C - No Discharge		
00530	Solids, total suspended	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														50 DAILY MX		
01002	Arsenic, total [as As]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														.1 DAILY MX		
01022	Boron, total [as B]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														Req Mon DAILY MX		
					Value NODI														C - No Discharge		
01027	Cadmium, total [as Cd]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														.11 DAILY MX		
01042	Copper, total [as Cu]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														1 DAILY MX		
01045	Iron, total [as Fe]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														4 DAILY MX		
01055	Manganese, total [as Mn]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														3 DAILY MX		
01092	Zinc, total [as Zn]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														2 DAILY MX		
01105	Aluminum, total [as Al]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														2.4 DAILY MX		
01147	Selenium, total [as Se]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	24 - COMP24
					Permit Req.														<=		
					Value NODI														.07 DAILY MX		
71900	Mercury, total [as Hg]	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	GR - GRAB
					Permit Req.														<=		
					Value NODI														50 DAILY MX		
81381	Duration of discharge	1 - Effluent Gross	0	--	Sample															01/BA - Once Per Batch	CA - CALCTD
					Permit Req.														Req Mon DAILY MX 5A - d		
					Value NODI														C - No Discharge		

Submission Note
If a parameter row does not contain any values for the Sample nor Effluent Trading, then none of the following fields will be submitted for that row: Units, Number of Excursions, Frequency of Analysis, and Sample Type.

Edit Check Errors

No errors.

Comments

Attachments

No attachments.

Report Last Saved By

LOCKWOOD HILLS LLC

User: bethany@jadenvgr.com

Date/Time: 2017-03-24 16:35 (Time Zone: -04:00)

Name: Bethany Acquisto

E-Mail: bethany@jadenvgr.com

Edit Check Errors

No errors.

Comments

There were no batch discharges during this monitoring period. Annual submission of the laboratorys MDL Study results are attached for continued used of the less than notation.

Attachments

Name	Type	Size
LockwoodSPDESMDLs2018.pdf	pdf	210116

Report Last Saved By

LOCKWOOD HILLS LLC

User: bethany@jadenvgr.com
Name: Bethany Acquisto
E-Mail: bethany@jadenvgr.com
Date/Time: 2018-09-26 15:17 (Time Zone: -04:00)

Report Last Signed By

User: bethany@jadenvgr.com
Name: Bethany Acquisto
E-Mail: bethany@jadenvgr.com
Date/Time: 2018-09-28 13:18 (Time Zone: -04:00)



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ICP Metals Water MDL

ICP-4

8/3/17

Units: ug/L

Analyte	Rep. 1	Rep. 2	Rep. 3	Rep. 4	Rep. 5	Rep. 6	Rep. 7	Std Dev	MDL
Aluminum	70.43	60.03	40.23	61.97	49.04	63.16	50.32	10.32	32.44
Antimony	4.50	5.05	4.85	5.16	5.06	4.44	6.23	0.59	1.86
Arsenic	8.38	8.82	8.99	9.64	10.13	10.53	9.40	0.75	2.37
Barium	10.85	10.98	10.36	9.60	9.39	9.44	10.13	0.66	2.06
Beryllium	4.89	4.58	5.08	5.14	4.94	4.96	5.13	0.20	0.61
Boron	8.09	7.29	6.25	5.92	6.48	6.24	10.11	1.48	4.66
Cadmium	4.77	4.92	4.87	4.84	4.98	4.88	5.01	0.08	0.25
Calcium	61.83	67.60	65.86	55.57	59.95	71.79	57.66	5.79	18.19
Chromium	4.54	7.88	7.18	6.90	6.70	5.31	5.55	1.19	3.73
Cobalt	4.62	4.72	4.77	4.87	4.89	4.95	5.18	0.18	0.57
Copper	4.48	5.26	5.50	7.12	5.34	6.86	5.98	0.93	2.93
Iron	7.07	10.85	9.34	10.80	5.59	5.50	6.31	2.36	7.42
Lead	5.01	5.52	4.78	4.63	5.10	5.72	5.80	0.46	1.45
Lithium	62.36	49.28	85.22	55.34	61.90	24.39	88.04	21.72	68.26
Magnesium	49.34	55.77	59.00	35.33	77.95	46.33	64.59	13.71	43.09
Manganese	3.87	3.88	4.48	5.74	4.98	4.98	5.17	0.69	2.17
Molybdenum	4.88	5.43	5.15	5.34	5.17	4.96	5.35	0.21	0.65
Nickel	4.98	4.71	4.87	4.89	5.02	5.05	5.22	0.16	0.50
Potassium	48.12	51.70	42.42	52.06	45.57	52.74	39.52	5.15	16.20
Selenium	5.32	5.80	6.12	4.08	5.41	5.67	4.03	0.83	2.60
Silver	13.26	11.86	12.58	11.00	9.76	8.04	9.39	1.87	5.89
Sodium	46.37	44.58	59.20	42.10	36.92	41.11	41.66	7.10	22.31
Strontium	58.19	51.04	55.43	51.39	41.94	51.34	49.26	5.10	16.04
Thallium	9.39	9.26	11.23	9.60	8.90	10.65	10.31	0.84	2.64
Tin	3.97	4.41	4.61	5.40	5.21	5.22	5.39	0.56	1.76
Vanadium	13.74	10.76	11.92	11.55	8.46	11.72	10.61	1.60	5.04
Zinc	5.93	5.72	6.70	5.05	4.94	5.44	5.54	0.59	1.86

Reviewed by QA Manager:

Date:

9/14/17



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Mercury Method Detection Limit - EPA Method 1631E

CETAC M-8000

7/13/2017

Units: ng/L

Compound	Conc. 1	Conc. 2	Conc. 3	Conc. 4	Conc. 5	Conc. 6	Conc. 7	SD	MDL
Mercury	0.254	0.237	0.240	0.234	0.209	0.183	0.213	0.02398	0.075

Reviewed by QA Manager: 

Date: 7/14/17

DMR Copy of Record

Permit					
Permit #:	NY0107069	Permittee:	LOCKWOOD HILLS LLC	Facility:	LOCKWOOD ASH DISPOSAL SITE
Major:	No	Permittee Address:	590 PLANT ROAD DRESDEN, NY 14441	Facility Location:	SWARTHOUT ROAD DRESDEN, NY 14441
Permitted Feature:	001 External Outfall	Discharge:	001-Q SEDIMENTATION/NEUTRALIZATION		

Report Dates & Status					
Monitoring Period:	From 09/01/19 to 11/30/19	DMR Due Date:	01/28/20	Status:	NetDMR Validated

Considerations for Form Completion
 ENTER 'NODI 9' IN PLACE OF MEASUREMENTS FOR PARAMETERS NOT APPLICABLE DURING THE MONITORING PERIOD.

Principal Executive Officer					
First Name:	Dale	Title:	President	Telephone:	315-536-2359
Last Name:	Irwin				

No Data Indicator (NODI)
 Form NODI: --

Code	Parameter Name	Monitoring Location	Season #	Param. NODI	Quantity or Loading					Quality or Concentration					# of Ex.	Frequency of Analysis	Sample Type				
					Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3				Value 3	Units		
00011	Temperature, water deg. fahrenheit	1 - Effluent Gross	0	--	Sample												Req Mon DAILY MX	15 - deg F	01/BA - Once Per Batch	GR - GRAB	
					Permit Req.												C - No Discharge				
					Value NODI																
00056	Flow rate	1 - Effluent Gross	0	--	Sample												Req Mon DAILY AV <=	250000.0 DAILY MX	07 - gal/d	01/BA - Once Per Batch	CA - CALCTD
					Permit Req.												C - No Discharge				
					Value NODI																
00400	pH	1 - Effluent Gross	0	--	Sample						>=	6.0 MINIMUM			<=	9.0 MAXIMUM	12 - SU	01/BA - Once Per Batch	GR - GRAB		
					Permit Req.												C - No Discharge				
					Value NODI																
00530	Solids, total suspended	1 - Effluent Gross	0	--	Sample												<=	50.0 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01002	Arsenic, total [as As]	1 - Effluent Gross	0	--	Sample												<=	0.1 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01022	Boron, total [as B]	1 - Effluent Gross	0	--	Sample												Req Mon DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24	
					Permit Req.												C - No Discharge				
					Value NODI																
01027	Cadmium, total [as Cd]	1 - Effluent Gross	0	--	Sample												<=	0.11 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01042	Copper, total [as Cu]	1 - Effluent Gross	0	--	Sample												<=	1.0 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01045	Iron, total [as Fe]	1 - Effluent Gross	0	--	Sample												<=	4.0 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01055	Manganese, total [as Mn]	1 - Effluent Gross	0	--	Sample												<=	3.0 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01092	Zinc, total [as Zn]	1 - Effluent Gross	0	--	Sample												<=	2.0 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01105	Aluminum, total [as Al]	1 - Effluent Gross	0	--	Sample												<=	2.4 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
01147	Selenium, total [as Se]	1 - Effluent Gross	0	--	Sample												<=	0.07 DAILY MX	19 - mg/L	01/BA - Once Per Batch	24 - COMP24
					Permit Req.												C - No Discharge				
					Value NODI																
71900	Mercury, total [as Hg]	1 - Effluent Gross	0	--	Sample												<=	50.0 DAILY MX	3M - ng/L	01/BA - Once Per Batch	GR - GRAB
					Permit Req.												C - No Discharge				
					Value NODI																
81381	Duration of discharge	1 - Effluent Gross	0	--	Sample												Req Mon DAILY MX	5A - d	01/BA - Once Per Batch	CA - CALCTD	
					Permit Req.												C - No Discharge				
					Value NODI																

Submission Note
 If a parameter row does not contain any values for the Sample nor Effluent Trading, then none of the following fields will be submitted for that row: Units, Number of Excursions, Frequency of Analysis, and Sample Type.

Edit Check Errors

No errors.

Comments

Attachments

No attachments.

Report Last Saved By

LOCKWOOD HILLS LLC

User: bethany@jadenvgr.com
Name: Bethany Acquisto
E-Mail: bethany@jadenvgr.com
Date/Time: 2019-12-23 16:49 (Time Zone: -05:00)

Report Last Signed By

User: bethany@jadenvgr.com
Name: Bethany Acquisto
E-Mail: bethany@jadenvgr.com
Date/Time: 2019-12-27 08:36 (Time Zone: -05:00)