



# Save the Pine Bush

## August/September Newsletter

Aug/Sept 17 No. 138 • 33 Central Ave., Albany, NY 12210 • email [pinebush@mac.com](mailto:pinebush@mac.com) • phone 518-462-0891 • web <http://www.savethepinebush.org> • Circ. 600

### Vegetarian/Vegan Lasagna Dinner Wednesday, August 16, 2017, 6:00 p.m.

### Candidates Night

*The Three Democratic Albany Mayoral Candidates will speak*

## Kathy Sheehan

## Carolyn McLaughlin

## Frank Commisso, Jr.

The three Democratic candidates running for mayor of the City of Albany will be our speakers. Most of the evening will be devoted to the candidates answering questions from the audience – bring your questions! Come and learn where the candidates stand on issues that concern you. Remember, it is important that as many people as possible attend in order to send the message that the environmental movement is powerful and interested in the election.

**At the Westminster Presbyterian Church, 85 Chestnut Street** (people with cars can park in the lot near the door). All-you-can-eat lasagna dinner, with vegetarian and vegan options, salad, garlic bread and delicious desserts. Only \$12 for adults, \$6 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsina Adams at 462-0891 or email [pinebush@mac.com](mailto:pinebush@mac.com).

Interested people are welcome to attend the program beginning at 7:00 for which there is no charge.

### Save the Pine Bush August Outing Event Sunset Over the Pine Bush!

#### Thursday, August 17, 2017, 7:00 PM

Meet at: Pine Bush Discovery Center parking lot, east side of Route 155, opposite Old State Road.

For GPS - 195 New Karner Road, Albany NY 12205

Leader: Andy Arthur • For More Information: 518-465-8930

This hike is expected to be a most stunning and enjoyable event. Our leader Andy is a very dedicated conservationist. Moreover Andy is a nature photographer extraordinaire. He will be sure to lead us to stunning sunset over the Pine Bush photo opportunities. Of course, the weather is more uncertain than ever now. Best bet is to look from your rooftop just before heading out for this event to check the weather! Note: Please wear appropriate protective clothing for the danger of ticks, bring deet or insect repellent to use before beginning the walk.

**The hike is free and open to the public. Bring your friends!**

*How Can We Reverse the Tide of Trump's Plan to Eliminate the U.S. Environmental Protection Agency? – Part I*

*by Hugh Johnson*

ALBANY, NY: Judith Enck, former EPA Regional Director of New York State's Region II, and until recently the first visiting Scholar at the Elisabeth Haub School of Law at Pace University, spoke at the Save the Pine Bush vegetarian lasagna dinner at the Westminster Presbyterian Church on June 21. Like many Americans, January 20 was a sad day for her. It was the day she lost her position in the EPA. "It was hard to leave the position," she said especially remembering water skiing on the Hudson River in Greene County back in the 70s, with a film of oil underneath her and now much cleaner. "I was greatly honored to be appointed by former President Obama."

Judith accomplished a tremendous amount during her 8-year tenure. She was in charge of not only the New York and NJ EPA offices, but Puerto Rico, the US Virgin Islands and eight Indian Nations. This included a staff of around 800  
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*Solid Waste Issues in the City of Albany, the Town of Colonie and the Proposed Changes in the NYS Solid Waste Regulations*

*by Tom Ellis*

ALBANY, NY: There is much to report on issues regarding solid wastes. The NYS Department of Environmental Conservation (DEC or En Con)) DEC held a public hearing in Albany to receive comments on proposed revisions to its Part 360 regulations, DEC is assisting the Town of Colonie with its landfill expansion application," and the City of Albany recently held a short public comment period on its proposals to (1) mechanize the collection of household wastes and recyclables, (2) to eventually implement a pay-as-you-throw (payt) collection and fee system for city residents, and (3) construct a transfer station at the Rapp Road Landfill so that after it closes, wastes could be loaded on to tractor-trailers for shipment to distant landfills. Mayor Kathy Sheehan is also facing a strong challenge from city councilman Frank Commisso, Jr., son of the majority leader

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## *Judith Enck continued from page 1*

with an average annual budget of 700 million dollars. During her watch, 845 million dollars was granted to her from the Obama Stimulus Plan, for improved water infrastructure. A few years later, her office made sure that the 500 million dollars granted to replace the Tapan Zee Bridge actually went directly to replacing the bridge. They added the Gowanus Canal, Newton Creek and Wolff Alert radioactive waste site to the Federal Superfund list. They are still waiting to make sure Hoosic Falls is added to the list having discovered that the town's water supply was riddled with Perfluorooctanoic Acid (BFOA), the stuff that makes teflon stick, but very toxic to drink. They had already sounded the alarm in that town that the water was unsafe to drink.

The EPA started recycling in Puerto Rico, promoted green infrastructure, citizen science and reduce plastics in the ocean. Judith reported that 883 schools in NYC replaced light fixtures, removing those with PCBs that can fatally harm children. She and her staff finally broke a 32-year jam, forcing GE to remove 72% of the PCBs in the Upper Hudson, as required by the Superfund Federal Law. Today, the state of New York is well positioned to get more PCBs out of the Hudson, by dredging the Champlain Canal.

Regarding the Trump Presidency, Judith stated, "Today, the EPA is at a very different place. President Trump's policies will reverse decades of progress in protecting the environment." She further added, "The first 160 days of the Trump Presidency have been an environmental disaster, and the future is likely to be worse. If the policies of the Trump administration are fully implemented, make no mistake: kids in the South End of Albany will suffer more asthma attacks; there will be more pesticide residue on our food and farm workers will be directly exposed to more pesticides. Cities like Troy will not get enough funding to deal with lead poisoning. The EPA won't have the staff to make sure drinking water is fully protected. Manhattan, will struggle with sea level rise. Unless Congress stands up, the proposed Trump budget will not only make it harder for millions of people to receive good health care, but it will actually make people sick."

As Judith was packing her bags to leave her Brooklyn home, Trump's assault on the 47-year old EPA began. He signed into law, a repeal of a recent regulation that the EPA had implemented requiring dental offices to install simple filters preventing mercury from rinsed out old fillings to get into the water supply. The simple process of having dental patients rinse out after dental work, puts a surprising amount of mercury into the water system but the filters prevent most if not

all mercury from getting past the office. About half the states already have such a rule in place and NY State has had it for a while. The American Dental Association has actually supported the ruling. Judith did not think it made sense that this was the first repeal Trump went after.

Five days after taking office, Trump signed a memo ordering the Secretary of the Army to expedite the approval of the Dakota Access Pipeline. "This action dealt a severe blow to the Standing Rock Sioux, whose water supply and sacred sites are directly threatened."

On the 10th Day of Trump, another Executive order was signed that for every new Federal regulation, two others MUST be repealed.

On Day 13, Rex Tillerson was sworn in as the Secretary of State. On April 27 Exxon was fined 21 million dollars by a judge for violating the Clean Air Act 16,386 times at its Baytown Texas facility. Attorney General Eric Schneiderman has launched an investigation to determine if Exxon concealed information it had on the effect of its activities on climate change

On Day 29, Scott Pruitt was sworn in as the new director of the EPA. As the Oklahoma Attorney General, he had attempted to sue the EPA 14 times. He was quoted as saying "The dangers of lead in gasoline have not been evaluated." During his confirmation hearing he was asked if he could name one EPA regulation that he supported. He could not name one. In a written questionnaire from the US Senate he was asked if he supported the old EPA regulation that removed lead from gasoline. His response was. "I have not evaluated this issue."

On Day 36 The President signed an Executive Order to facilitate the elimination of regulations supposedly harmful to the economy. In a stark illustration of where this administration's priorities are, the CEO of Dow Chemical Company who leads the Trump Advisory Council on Manufacturing, stood at the President's side as Trump signed the Executive Order and gave him the signing pen. Dow Chemical, by the way, gave \$1 million to the Trump inauguration committee.

On Day 42 of Trump's Presidency, Rick Perry was sworn in as in as Energy Secretary, becoming the head of the agency he proposed to abolish during his failed Presidential campaign. Perry was until recently a board member of Energy Transfer Partners, the people behind the Dakota Access Pipeline. Earlier in the week, Rick Perry said that, "Carbon dioxide is not a primary driver of climate change."

On Day 55, the President announced the re-opening the most recent improvements to fuel efficiency standards for cars, known as the CAFÉ standards. CAFÉ standards ,which

were established in the 1970s to reduce gasoline consumption and are supported by 85% of the public.

Judith described Day 56 of Trump's President as "Armageddon Day" for the EPA. The new proposed budget slashed 31 percent of funding to the agency and half of the science funding as well, far more than other Federal Agency! This was not done to save significant tax payer dollars, since only around 8 billion dollars goes into the EPA, a scant 0.2% of the total Federal Budget. The proposed cuts to the EPA are designed to diminish the agency's effectiveness, not save tax dollars. EPA Administrator Pruitt has said he wants to shift environmental responsibility to the states, but he proposes cutting EPA grants to the states by 44 percent. The proposed budget would reduce the EPA staff by 3,200 employees. Furthermore it would eliminate EPA climate programs, including climate research as well as the voluntary Energy Star program and the voluntary Water Sense program. The proposed budget slashes funding for EPA's estuary programs, including Long Island Sound and Lake Champlain as well as cutting the Superfund program by 30%. In addition, the proposal would completely eliminate the US Chemical Safety Board. Established by Congress, the Board investigates whenever there is a major chemical accident and makes important recommendations on how to PREVENT future accidents. The annual budget consists of \$12 million dollars and 40 staff. Judith argued "It makes absolutely no sense to eliminate the Board."

Steve Bannon, Senior Adviser to Trump, called for the "deconstruction of the Administrative State including the EPA." All of Trump's appointees were selected for a reason, including Pruitt running the EPA, with the goal to eliminate or greatly reduce it. The budget also proposes a 68% reduction at the Dept. of Energy's Office of Energy Efficiency and Renewable Energy (from \$2 billion to \$636 million dollars).

On Day 64, an Executive Order was signed. The Trump Administration granted federal permits for the Keystone XL Pipeline, a 1,200-mile pipeline that will carry tar sands crude from Canada to the Texas Gulf Coast.

*The second part of this article will be published in the Save the Pine Bush October/November newsletter*

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*Save the Pine Bush wishes to thank the late Peter Henner, Esq. and his estate for his generous contribution to Save the Pine Bush. Peter filed several lawsuits on behalf of Save the Pine Bush, attended many SPB lasagna dinners and was a friend to many of us. He is much missed.*

## *Solid Waste continued from page 1*

of the Albany County Legislature, as she seeks a second term.

About twenty spoke at the July 13 DEC hearing. Many urged DEC to hold additional hearings and allow more than a 30-day comment period that expires July 21. Many commented on how the existing and revised regulations allow for the dumping and spreading of Pennsylvania-based fracking wastes, which are both radioactive and hazardous, in landfills located in central and western New York, and to be spread along roads in NY as a deicer and dust suppressant, even along roads adjacent to rivers and streams. Several speakers said DEC rejected calls to ban or limit the road spreading of fracking wastes; one was stunned that DEC proposed a 50-foot buffer and rejected a 150-foot buffer from water bodies because so many roads are located along rivers and streams.

Regarding the Colonie landfill, where the town is proposing to more than triple the size of an old dump located on the bank of the Mohawk River,

Brian Nearing reported in the June 8 Albany Times Union that DEC is considering allowing or requiring that land beneath an old capped hazardous waste dump co-located with the existing solid waste landfill, be injected with some type of cement as a way to stabilize the ground and prevent or reduce pollution of the river from an expanded landfill. Why is DEC helping the town with this? DEC's job is to evaluate permit applications, not facilitate them.

The absurdity of En Con's Colonie landfill stance was pointed out in a June 23 Times Union letter by a Delmar resident who compared how overnight campers in the Adirondacks are required by DEC to set up camp at least 150 feet away from any body of water, probably to prevent any human wastes from entering the water, but DEC is considering an expansion of a large dump next to a river.

On June 27, I emailed DEC Commissioner Basil Seggos a copy of the June 23 Times Union letter and asked him to publicly respond to the contradiction exposed by the letter writer. I wrote that "Thousands of people read the letter. DEC's credibility is at stake here." As of July 20, the commissioner had not responded to either the Times Union letter or me.

At the July 13 DEC hearing, the supervisors of the towns of Waterford and Halfmoon (who oppose the dump enlargement) told me that DEC has yet to respond to requests made last fall by them and attorneys hired by the towns, asking DEC to hold an adjudicatory proceeding on the Colonie landfill application. During my comments that day, I said DEC regulations should

contain a requirement that a request for a formal adjudicatory proceeding by local governments must be resolved within 30 to 60 days. En Con desires to avoid an adjudicatory proceeding because such a process would allow dump opponents to cross-examine the applicant under oath and open DEC's secretive decision making processes to public scrutiny. Waterford and Halfmoon officials insist they have met the legal threshold for an adjudicatory hearing.

Speaking at the July 13 hearing, Waterford Supervisor Jack Lawler said the Colonie landfill is now more than 50 years old, much of the landfill is unlined and within 100 feet of the river, the proposed regulations are more lax for landfill expansions than for new landfills, and the landfill is non-compliant with existing regulations.

The City of Albany held four public meetings in May and June on the "Future of Solid Waste in Albany." Long time city employees Joe Giebelhaus and Frank Zeoli were joined by Hans Arnold, a consultant and former director of the Oneida-Herkimer Solid Waste Authority, at Hackett Middle School on June 20th.

Mr. Giebelhaus said collection practices in Albany are similar to what they were in 1974 when curbside collection began and the city is eager to mechanize as much as possible the collection of trash and recyclables to reduce workers' compensation costs and worker injuries.

A man asked if the city had ever performed any analysis of what the avoided costs would be if all the items that are supposed to be recycled were recycled. The city has apparently never done such an analysis.

In response to a question about if the city has conducted any greenhouse gas analysis of the city's solid waste program, Mr. Giebelhaus said "no" because the city has not yet decided on exactly what improvements it will make in the curbside collection system or which of the many pay options it will implement. A greenhouse gas inventory of the city's entire existing solid waste program should be a top priority. It would help inform the coming decisions about collection system changes and pay.

Although Mr. Giebelhaus allowed everyone present to ask a question, it was clear the city was more interested in telling attendees where it is going with solid waste than with launching a real dialogue. Albany would benefit from a true collaborative planning process instead of the usual top-down approach. Solid waste management is a many-faceted problem but also an opportunity to set high standards and high diversion (from landfill) rates.

With meaningful public participation the city could avoid making giant errors as it has in the past. These include siting a landfill in a pine

barrens and expanding it many times, allowing a filthy trash incinerator to operate in the downtown for twelve years, and spending \$5 million for a parcel in Coeymans where the city foolishly hoped to site an alternative to the Rapp Road landfill but could not because the Coeymans site has large tracts of wetlands.

What is needed in Albany is an ongoing series of meetings between city officials and the public to discuss the city's entire solid waste management program and various suggestions residents have to improve it. Among the issues that should be included in such a dialogue are zero waste, waste reduction, reuse, food waste composting, recycling, household hazardous wastes, a resources recovery park, education, enforcement, justice issues, economics, workers' compensation, which components of the system would be public and private, inter-municipal agreements, the institutional infrastructure, avoided costs, maintaining unionized jobs for city workers, transparency in decision making, the looming Rapp Road landfill closure and "restoration," public health, climate change, flexibility, and public participation.

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### *Excerpts from the City of Albany*

#### *Press Release:*

### **City of Albany Enters into Carbon Agreement with the Nature Conservancy**

ALBANY, NY – Mayor Kathy Sheehan was joined [at the July 11] by City of Albany Water Department Commissioner Joseph Coffey and The Nature Conservancy Chief Conservation and External Affairs Officer Stuart Gruskin at a press conference to announce a new carbon agreement between The Nature Conservancy, the City of Albany Water Department, and the Albany Water Board.

The Albany Water Department and Albany Water Board are entering into an agreement to participate in The Nature Conservancy's Working Woodlands Program – a program that will safeguard clean drinking water for the City of Albany, protect critical forests, and generate revenue by marketing carbon credits to a voluntary carbon market.

As part of the agreement, The Nature Conservancy will conduct a forest and carbon inventory and prepare a ten-year forest management plan for the Albany Water Board. Additionally, the Conservancy will provide ongoing advice on forest management planning, implementation, and other conservation related issues, and provide inventory, design, statistical guidance, quantification and modeling services related to the development of carbon credits for the voluntary carbon market.

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# Landfill Committee forming

by Diana Wright

Given the plight of the Albany City Landfill and the dismaying information gathered at the 3 forums held by the City last month, PAUSE would like to form a committee to address the landfill dilemma looming over us. We had a preliminary meeting on July 6 to see what kind of interest there is and it was decided that we would like to work with other local groups to devise a plan which would provide a positive economic, environmental and community solution to a problem many municipalities are currently facing, or will be in the near future.

We create too much trash. And of that which we create, a disproportionate amount of it ends up in landfills that should be recycled, composted or simply reused. There seems to be a intentional decision to NOT compost because they City WANTS to create methane to sell as an income making bi-product of the landfill. However, that system is not being managed efficiently, nor is it necessarily the best option for organic waste. Our recycling program is not being utilized by too many residents, especially tenants. Our City ordinances regarding styrofoam and plastic bags is non-existent. There is a LOT of room for

improvement. With the only solution being considered by the City, a proposed transfer station, which will transfer our trash to other communities hundreds of miles away in diesel trucks, it is imperative they have an alternate plan presented to them. Sooner than later.

If you are interested in being part of this committee, please provide either myself or Tim Truscott with your contact information so you can be part of the planning group. Please invite any other groups or individuals who are interested in this project to participate.

Other PAUSE activities: Please check our website: PAUSEnergy and FB page for other events such as flyering State workers to divest the pension from fossil fuels; a planned carbon forum in the Fall sponsored by our Legislative Committee, which is meeting this Tuesday at 5 at Citizen Action; and all are welcome and encouraged to come to our regular PAUSE meetings the 1st thursdays at 5:30 at Citizen Action, and prior to the Save the Pine Bush Dinner at Westminster Church, also at 5:30.

Contact Diana Wright at [comphomellc@gmail.com](mailto:comphomellc@gmail.com) or 465-9748.

“The carbon agreement with the Albany Water Board -- our first in New York state -- is a significant win for both people and nature,” said Stuart F. Gruskin, Chief Conservation and External Affairs Officer at The Nature Conservancy in New York. “By joining the Conservancy’s Working Woodlands Program, the Albany Water Board has demonstrated innovative leadership to safeguard clean drinking water for the City of Albany. This initiative creates a new revenue source and supports a forward-looking market mechanism to address climate change, while ensuring that these important forests will remain intact, healthy and productive for future generations.”

“The Working Woodlands Project collaboration between The Nature Conservancy, the City of Albany Water Department and the Albany Water Board demonstrates and reinforces the Water Department’s commitment to our core values of sustainability and stewardship. We will continue to act in ways to ensure long term management of our watershed to sustain a safe, high quality water supply source for decades to come. The opportunity to generate revenue for the Water Board from developing and marketing of carbon credits to the voluntary carbon market from our partnership with the Nature Conservancy is a very valuable added benefit.”

The Nature Conservancy is a global conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, TNC creates innovative, on-the-ground solutions to the world’s toughest challenges so that nature and people can thrive together. TNC is tackling climate change, conserving lands, waters and oceans at unprecedented scale, and helping make cities more sustainable. To learn more, visit [www.nature.org](http://www.nature.org) or follow @nature\_press on Twitter.

*Next Dinner Dates*  
**Westminster Presbyterian Church,**  
**85 Chestnut Street, Albany, NY**  
**Wednesday, August 16**  
*Special mayoral candidates night*  
**Wednesday, September 20**  
**Wednesday, October 18**  
**Wednesday, November 15**  
**Wednesday, December 20**

### Carbon, continued from page 3

This marks The Nature Conservancy’s first carbon agreement in the State of New York.

“This carbon agreement with The Nature Conservancy marks a significant step forward for the City of Albany,” said Albany Mayor Kathy Sheehan. “Participation in the Working Woodlands Program demonstrates the City’s commitment to protecting our natural resources and doing everything in our power to fight climate change.”

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