



Save the Pine Bush

May/June Newsletter

May/June 14 No. 120 • 33 Central Ave., Albany, NY 12210 • email pinebush@mac.com • phone 518-462-0891 • web <http://www.savethepinebush.org> • Circ. 1000

Vegetarian/Vegan Lasagna Dinner

Wednesday May 21, 6:00 p.m.

Daniel P. McCoy

Albany County Executive, will speak about

Environmental Issues in Albany County

The Honorable Daniel P. McCoy signed a law banning the use of styrofoam take-out containers, placed a moratorium on plans to expand the processing of crude oil in the Port of Albany, and has expressed an interest in preserving more land in Albany County. Come hear our County Executive speak about environmental issues in Albany County and his future plans.

At the Westminster Presbyterian Church, 85 Chestnut Street, Albany, NY (people with cars can park in the lot near the door). All-the-vegetarian-and-vegan-lasagna-you-can-eat, garden salad, garlic bread and homemade pies. 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 Rezsins Adams at 462-0891 or email pinebush@mac.com. **Get It While It's Hot! From now on, we will start serving dinner promptly at 6:00.** Of course, we will be delighted to serve you whenever you get here as we always have. We greatly appreciate your attendance whenever you arrive.

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

Spring Sunset Hike at Blueberry Hill

Thursday, May 15, 2014 at 7 PM

Meet at: Pine Bush Discovery Center Parking Lot, East side of New Karner Rd. (Route 155) opposite "T" with Old State Rd., Albany, NY;

Leader: Andy Arthur • For More Information: John Wolcott -465-8930

After a long, stressful day at work, nothing beats a good evening hike in the Albany Pine Bush. There are spectacular sunsets, abundant wildlife, and no crowds. For this hike, we will be visiting Blueberry Hill portion of the preserve and if the skies are clear, enjoying the sunset over the Heldeberg Mountains around 8:10 PM.

You should bring a flashlight and dress in layers. Take precautions for ticks. It often gets chilly in May after the sun has set. The hike is free and open to anybody interested.

Note: This hike should not be confused with the Albany Pine Bush Commission's Wednesday May 14th "Full Moon Hike" at 7:30 PM. The commission charges a small fee for their guided hikes. You are encouraged to go both events, as we will be exploring a different portion of the Pine Bush.

Chris Amato Speaks About the Oil Trains

by Tom Ellis

ALBANY, NY: Albany Law School graduate, former DEC Assistant Commissioner, and Earth-justice attorney Chris Amato spoke at the March 20 SPB dinner about Oil-by-Rail in Albany.

Mr. Amato said the recent massive increase in North American oil-by-rail shipments impact most of NYS and he hopes to represent a broad coalition on this matter. The North Dakota Bakken and the Alberta tar sands are different types of oil but both are an issue for Albany and New York.

He said Massachusetts-based Global Companies first came to Albany in 2007 when it bought an Exxon-Mobil facility at the port. Prior to 2007, oil stored at the Port of Albany was used locally. Beginning in 2009 Global Co. began bringing hydrofracked oil from North Dakota to the Albany port on trains of 80 to 100 cars.

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Earth Day Update from NYPIRG and EA

by Tom Ellis

ALBANY, NY: Laura Haight of NYPIRG and Katherine Nadeau of Environmental Advocates shared the podium at the April 16 SPB dinner. They discussed the 2014 agenda they are lobbying at the state Capitol and the state energy plan.

Laura said the annual statewide Earth Day Lobby Day will be on May 5 because the Legislature decided to take most of April off. She said five issues have been identified as most compelling.

The first is fracking. Ms. Nadeau said NYS is in a holding pattern at present with the state Health Dep't "conducting a top-secret review" likely to continue until after the November election. She said Governor Cuomo will be "hammered" if he makes a decision before then, either by the gas industry and its supporters if he opposes it, or by environmental-health activists

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Chris Amato, continued from page 1

In 2011, Global sought DEC permits to double to 1.8 billion gallons the amount of oil arriving in Albany, saying falsely there would be no increase in rail transport. DEC began implementing its Environmental Justice (EJ) policy that is intended to protect communities of poverty and color who often bear the brunt of hazardous activities. DEC's EJ policy requires an applicant to engage the community, develop a community participation plan, and have it approved by DEC. Global Co. told DEC that no community participation plan was needed and DEC said OK. DEC issued a negative declaration or "negdec" allowing Global Co. to not prepare an Environmental Impact Statement (EIS), and in November 2012, issued permits allowing Global to double its crude oil shipments through Albany.

Suddenly long lines of black rail cars appeared in Albany. Residents of the Ezra Prentice Homes and Mt. Hope Apartments noticed the increased rail activity right behind their homes and became concerned and alarmed about the odors, noise, and dangers.

Chris said the "incredibly volatile," Bakken oil is transported in DOT-111 cars that have thin walls, are puncture prone, and subject to derailment even at low speeds. Following the July 2013 oil rail explosion in a Quebec town that killed 47 people, all six companies involved in this disaster declared bankruptcy.

The more recent Global Co. proposal would allow installation of seven gas-fired boilers at the Port of Albany to heat heavy viscous -- tar sands -- oil that cannot be loaded onto ships at room temperatures. Tar sands oil is almost impossible to clean when spilled. In Kalamazoo, Michigan, an oil spill into a river has not been cleaned despite more than \$1 billion having been spent. Mr. Amato said Global Co will neither confirm nor deny if it would bring tar sands oil to Albany and DEC is not requiring them to do so.

As with the first application, DEC notified Global Co. of the need to comply with the EJ policy, Global Co. said it was not necessary, and DEC said OK. In late January, the Earthjustice coalition sent DEC a letter reminding DEC of the requirement that Global comply with the EJ policy and prepare an EIS. DEC responded, ordering Global to prepare a public participation plan. DEC has issued a Notice of Complete Application despite Global Co.'s application being incomplete due to the missing EJ Community Participation plan. DEC held a community meeting at the Giffen School on February 12.

Chris said that among the many questions the public has are: the risks of the existing Bakken oil being brought through Albany; and if tar sands

oil will also arrive if the boilers are approved.

He said DEC had extended the public comment period on the Global application to April 2, and Global had hired a public relations firm. He said that up until a few hours earlier, Global had wanted to construct a new building at the port which would have needed an approval from the City of Albany Planning Board, but Global suddenly withdrew the application and said it would use an existing building, thus avoiding the need for planning board approval.

The Albany County Executive and the Albany County Health Department have issued orders blocking the boilers expansion. Global responded by threatening to sue the county, and said ironically that it had not been consulted. Chris said the Earthjustice coalition had been planning to sue DEC on March 27 demanding preparation of an EIS, but has been granted an extra two months to prepare this litigation.

Chris concluded his presentation saying Global Co. has also applied for oil burner permits at the port of New Windsor on the lower Hudson River, and hopes to turn the Hudson River corridor into an alternate Keystone XL pipeline.

During the Q&A, when asked if DEC is inept or in bed with Global, Chris said DEC's current policy may be a result of the agency being gutted since 2008 by budget cuts and retirements. When asked what is Governor Cuomo's position on this matter, Chris said, "We would like to know."

When asked if the Hudson is safe from a spill today, Chris said the first oil ship to leave the port of Albany ran aground, the outer shell cracked, but luckily the ship was double-hulled and no oil leaked. He said oil trains run along the shore of the Hudson to New Windsor every day and could leak into the river if derailed.

Pete Looker asked if DEC could require Global Co. to post a bond to cover worst case scenarios; Chris said DEC does require bonding but the question that must be asked and answered is: What is the true cost?

Chris said oil arrives via two routes; from Buffalo to Albany and south along the shore of Lake Champlain, both into Albany. Chris was asked if an EJ case can be made by a rural community; he said possibly.

When asked if the tar sands oil is explosive, he said no but it has other hazards including the release of volatile organic compounds when heated and that it is impossible to clean up when spilled or leaked. Two questions concerned how can opponents raise on-site specific issues such as tar sands, climate change, and segmentation of the process. Chris said the Earthjustice coalition lawsuit will raise segmentation and climate change issues related to the Global Co.

proposal.

Greg Bell asked if either the City or County of Albany could legally condemn the rail right of way; Chris said probably not due to federal regulation of interstate commerce.

Tim Truscott said that since the Port of Albany is managed by an authority, the authority can regulate port activities. Chris said the Global facility if Global uses the building it now desires, it would be in the port district.

Mark Schaeffer insisted that we must demand as a central argument the shut down of the tar sands oil operation due to climate change concerns. Chris did not disagree but warned to not confuse the issues of the Bakken and tar sands oil.

Chris said DEC is hardly forthright. Global Co. is authorized to bring in 1.8 billion gallons of crude to Albany annually but currently transports 1.1 billion; DEC says if the application is approved, Global will still be below the 1.8 billion without saying there would be an actual increase from today's levels.

Chris said cleaning up tar sands oil is like dumping a gallon of oil into a box of kitty litter box and then trying to remove it. Chris said he is very puzzled that DEC has no concerns about the origin of the oil. He said, "We live on one planet."

Update: On March 24, DEC sent Global Co. a letter with 29 questions it wants Global Co. to respond to. DEC extended the public comment period on the Global Co. application to June 2. DEC retained the negative declaration, keeping the process closed between itself and Global Co., and still refuses to require an EIS.

The EIS is important because an EIS is a public process. It begins with a scoping meeting at which any member of the public can identify issues that he or she believes must be included in the EIS, thus considerably broadens the review.

A coalition of eleven environmental groups [SPB was not invited to join] held an Albany news conference April 15 urging Governor Cuomo to require preparation of an EIS. The groups said: "[W]ithout the best available information about the project and its impact statewide, or even the means to adequately disseminate that information, the public has little to comment on. Moreover, there is no assurance that the information requested of Global will be made available for public review in a timely manner, as the DEC did not provide Global with a deadline to respond to the information request...Global has consistently resisted all efforts by local elected and public health officials in Albany to obtain detailed information about its proposal... Common sense and black letter legal precedent

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Chris Amato, continued from previous page

require that DEC rescind its negative declaration and require a full environmental impact statement for Global's related Albany and New Windsor tar sands proposals."

Why does Governor Cuomo, who ran in 2010 promising the most open and transparent administration in state history, allow an illegal and closed process to continue? Who is he protecting: the public or Global Companies? Is he serious about rail safety or mitigating climate change? Why is the governor so hostile to meaningful public participation?

Earth Day Update, continued from page 1

if he approves it. The current bill seeks a one-year moratorium.

Climate change is the second issue, said Laura, and will remain a high priority for the rest of our lives. She said one bill would require an 80 percent reduction in greenhouse gas (GHG) emissions from 1990 levels by 2050 with interim benchmarks that must be achieved. She said climate change is happening now and discussed an Intergovernmental Panel on Climate Change (IPCC) report released a few days earlier that concluded an intensive push within 15 years is a must to avert serious negative impacts, and renewable energy is becoming more economical, thus is a partial solution. Katherine said a different bill -- the climate resiliency act -- would stimulate climate change avoidance and mitigation work at the municipal level and make funds available.

John Wolcott interjected saying do not make the error of overemphasizing distant goals; we need shorter term goals, and "we tend to be lazy, let things slide."

The child safe products act would require companies to disclose to DEC what chemicals they use in their products and require DEC to develop a list of chemicals DEC could then ban from children's products, said Katherine. She said the bill has passed the Assembly and has 34 Senate sponsors (the Senate has 62 members). This bill "has legs" and may be enacted this year. She said that at present chemicals are banned by legislation one at a time, a "horrible method."

Lynne Jackson urged the lobbyists to advocate legislation to make it easier for individuals and groups to obtain "standing" or the right to bring law suits. She said, "SPB loves to sue."

Katherine Nadeau had another appointment and exited. Laura began discussing toxic waste clean-ups. She said "Cuomo is so heavy-handed. Everything gets put into the budget. Much of it does not belong there and much of it does not get resolved." Regarding brownfields, she said the governor is proposing many revisions to the exist-

ing law which has proven to be a boondoggle with much money spent and few cleanups to show for it. Some of what he is proposing is good, she said. The existing law allows two types of tax credits and the proposed legislation would tighten the criteria.

The fifth issue -- GMO labeling of foods -- is a new issue for the lobbyists but not a new issue. A bill is now in the consumer protection committees of the legislature. Much of the food industry, she said, opposes our right to know what is in the food we purchase. Among the many problems with the current paradigm are heavy and dangerous use of pesticides, lack of independent testing, secrecy requirements agribusiness companies sometimes impose on their customers, Right to Know, health impacts, suppression of research, insect resistance to pesticides, and weeds resistant to herbicides. The lobbying coalition is working with the Northeast Organic Farmers Association of NY, Food and Water Watch, and other technically competent groups. She said NYPIRG students have a considerable interest in the issue.

Switching gears, Ms. Haight discussed the ongoing state energy plan. She said a draft energy plan was due out in September 2012 but not released until January 2014. The only climate action goal is a carbon dioxide reduction target for 2030; no methane emission reduction goals are identified. The draft plan envisions considerable natural gas and its infrastructure growth. She said the "plan has no teeth."

Laura said the plan is very difficult to print due to the vast amount of color graphics, and NYSERDA has not made an easy-to-print version available.

I said the energy plan and process are a disgrace. The draft energy plan said (1) greenhouse gas inventory and (2) a NYSERDA study on energy efficiency and renewable energy potential are both described as being "forthcoming," yet at the first public hearing [Feb. 18] on the draft, NYSERDA Chairman John Rhodes said the two reports are contained in the draft. This contradiction has not been resolved nor reported in the main-stream press. The greenhouse gas inventory is critical because without an accurate accounting of current emissions, there will be no way to determine if future reductions are occurring. NYSERDA is refusing to post on its website the transcripts of the six public statement hearings, nor is it posting the comments being received on the draft. Thus there is no way for one participant to learn from or build on what earlier responders said or wrote, or read the considerable criticisms of NYSERDA, the draft plan, and the planning process voiced by speakers at the public hearings. The Citizens' Environmental Coalition

has requested an extension of the comment period that ends April 30. Almost nothing about the plan or the process is being reported on in the press.

Laura discussed nuclear power saying NYPIRG strongly opposes the technology, the state is over-reliant on it now. Because natural gas prices are so low now, individual nuclear stations may be soon shut down permanently because they can not compete in the electricity market.

Mark Schaeffer said with climate change, prevention is far less costly than mitigation. He said climateprogress.org is a good website. He said impacts on agriculture are occurring now. Laura concluded urging everyone to get involved saying, "The environment is too important to leave to the environmentalists." John Wolcott said howglobalwarmingworks.com is another good site. Lou Ismay concluded the evening saying Anatomy of the Deep State is a good essay to read.

Update: On April 25 NYSERDA extended until May 30 the deadline for comments on the energy plan and also released the (1) greenhouse gas inventory and (2) the NYSERDA study on energy efficiency and renewable energy potential.

Legislature, continued from back page

The Commission and LWV appear to value efficiency as an over-riding priority that must be improved. My sense is the Albany County Legislature is too efficient now. At monthly meetings, the legislature often blasts through the agenda as fast as is humanly possible with little or no discussion of most issues. With fewer representatives, there would likely be even less debate. If efficiency is measured by how quickly meetings are conducted, the county legislature is certainly more efficient than the 15-member Albany Common Council and it appears to be more dominated by its leadership than the Albany city council.

What I see are unstated but "so obviously true they need not be discussed" assumptions in play on this matter that in fact may not be true and must be examined. Two of these are the legislature is way too large and consumes too much of the county budget.

The legislature costs about \$3 million per year to operate -- about one-half of one percent of the county budget. Such an expense is not unreasonable or excessive. The legislature's work is far too important to be shortchanged. Albany county residents would benefit if the legislature met twice monthly and had a larger staff, answerable only to it; this would facilitate extended and better informed debate on the important issues it deals with. Retaining the larger legislature is money well spent.

Size of the Legislature

Opinion by Tom Ellis

ALBANY, NY: Would a huge reduction in the size of the Albany County Legislature be good for the county, the Pine Bush, and democracy?

The Albany County Charter Review Commission (ACCRC) issued a report in January recommending a reduction from 39 to 25 members. The proposal is touted to improve accountability, increase bi-partisanship, and save money for taxpayers. The local chapter of the League of Women Voters (LWV) has endorsed ACCRC's proposal.

ACCRC estimated the proposed shrinkage would save county taxpayers \$400,000 annually -- less than one-tenth of one percent of the county's annual budget. The projected savings is equivalent to telling a person with a \$60,000 annual income that if she or he cuts expenses by \$40 a year, doing so will make some real improvement in his or her quality of life.

Both ACCRC and LWV have made a weak case in support of the proposal. ACCRC's report is very skimpy. Only one sentence is devoted to a discussion of how the smaller legislature might improve efficiency; another contains the entire discussion of how the 39-to-25 reduction might improve bi-partisanship, and a mere two sentences discuss how the elimination of more than one-third the legislature might promote competition in elections.

This is what ACCRC wrote: "A smaller County Legislature could make the body more efficient in its ability to debate and deliberate legislation by allowing members to have a better understanding of how issues are viewed differently in different areas. Reducing the size of the County Legislature could lead to more bi-partisanship amongst members and a bet-

ter understanding of each and their respective constituents needs and interests. A reduction in the number of members would make elections, especially primaries, more competitive. With fewer seats, more candidates would likely vie to hold them."

ACCRC's rationale is far too short to be taken seriously. The legislature should reject it as incomplete and unacceptable. I am surprised this is the best the Commission could do after more than a year of work.

Imagine you are a college professor or adjunct and have assigned a group of students to research and write one report on the advantages of reducing the size of the legislature. Months later they hand in a report containing four sentences in total supporting three of their main ideas. How could you possibly find it persuasive? Would you not wonder where are the supporting details?

The LWV explains its support with the following paragraph: "Reduce the size of the County Legislature by 14 members from 39 to 25. (This could not be done until after the 2020 census, taking effect in January 2024. Various sizes for the legislature could be chosen, but 25 balances the need for representation of various factions with a more manageable size. A smaller legislature would be more efficient and give each legislator more responsibility, thus enhancing accountability and influence, plus saving money. Within the last ten years, six other counties have reduced the size of their legislature. See the Commission's Supplemental Report on legislature size.)" This is the LWV's entire justification for drastically reducing the legislature's size.

I am not saying 39 is the correct number or that the legislature is perfect but a much smaller legislature may be less racially diverse, rural residents would have even fewer representatives than now, it will be more difficult for candidates

with limited financial resources or fundraising capacities to be elected, the power of party bosses and elites would be increased, and it would reduce the number of legislators available to serve on standing and ad-hoc committees.

Many county legislators are already busy with their workload. Government and society are becoming more complicated with each passing year. Technology is rapidly evolving creating both new dangers and opportunities. Thirty-nine legislators can think better than 25 and far more representative of the county's diverse citizenry than 25. The county often faces new issues such as the massive quantities of gassy oil now be railroaded through the county or the new casino proposal. Having a larger legislature increases the likelihood one of them will have some expertise on these matters.

Reducing the legislature's size may not save money because the remaining legislators would be in a stronger position to substantially increase their salaries due to their increased workload. Redistricting is always a highly political process but it would be especially so if one-third of the legislature were to be eliminated.

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Next Dinner Dates

Wednesday, May 21

Wednesday, June 18

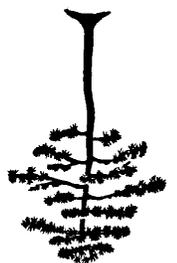
No Dinner in July

Westminster Presbyterian Church,
85 Chestnut Street, Albany, NY

Save the Pine Bush Loses a Friend

Save the Pine Bush wishes to extend our deepest sympathies to Amy Reilly and her son Neal, SPB hike leaders, on the passing of her husband and his father, Bob Reilly.

Return Service Requested



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