



Save the Pine Bush

February/March Newsletter

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Virtual Meeting

Wednesday, February 23, 2022, at 6:30 p.m.
An Evening of Catching Up

Lynne Jackson

Volunteer with Save the Pine Bush will speak about

Current Proposals in the Pine Bush

Save the Pine Bush turns 44 this month. Lynne will give an update on Save the Pine Bush's current litigation and current development proposals in the Pine Bush.

Steve Downs

Attorney for Save the Pine Bush will speak about

The War on Terror - 20 years later

Steve has spoken to Save the Pine Bush about the unjust case of Yassin Aref and Mohammed Hossain, two innocent Muslim men entrapped by the FBI and sent to federal prison for 15 years. Their case captured the national attention. But, Yassin and Mohammed were not the only innocent Muslim targeted by the government. Steve will first update us on what has happened to Yassin and Mohammed and their families. And then tell us where the War on Terror is 20 years since 9/11, and what people are doing about it.

How to Join the Zoom Meeting

A link to the Zoom meeting will be posted on the Save the Pine Bush website. Go to savethepinebush.org/zoom.html. Or call in to the meeting at (929)205-6099, meeting ID 844 0919 7365. If you want to test getting online at 6:15, you are welcome to do so! Also, you may call or text (518)366-7324 for assistance.

No Save Pine Bush Hike

However, the Pine Bush is open for social distancing hikes and walks. The Discovery Center and the outdoor rest rooms are open for limited hours. The ecosystem is open to visitors. Please practice social distancing, and take precautions for ticks, and enjoy the great outdoors!

www.savethepinebush.org

Save the Pine Bush Files Appeal

by Lynne Jackson

ALBANY, NY: Save the Pine Bush has filed an appeal in January to the Supreme Court, Appellate Division, Third Judicial Department in the matter of Save the Pine Bush vs. Town of Guilderland and others over Pyramid Corporation's proposal to build apartments, office buildings and a Costco in the Pine Bush.

Originally, SPB filed suit in NYS Supreme Court. The NYS Supreme Court judge dismissed the case, saying that a previous decision in favor of the Town in a lawsuit filed by Guilderland residents required our petition to also be dismissed.

Save the Pine Bush argues that the prior case brought by the residents (referred to as *Hart*) did not address the environmental issues that SPB raises in the current litigation and that the lawsuit should be heard on the merits in Supreme Court.

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The Damaging Health Effects of the Dunn Dump

by Tom Ellis

RENSSELAER, NY: David Carpenter, a renowned local physician who studies the human health impacts of toxic materials, spoke at a December 2nd East Greenbush Town Board (EGTB) forum on the Dunn dump. He was the first presenter on a five-person panel.

The Dunn construction and demolition debris dump, owned by Waste Connections, sits atop a hill next to the Rensselaer public school campus and the Holy Sepulcher Cemetery, and in between Rensselaer and East Greenbush neighborhoods. Odors and who knows what else escape from the dump into the school and nearby neighborhoods. Dozens of diesel spewing, noisy, dirty trucks traverse downtown Rensselaer streets each weekday beginning at 6 :30 a.m., to and from the dump.

David Carpenter is a Professor of Environmental Health Sciences at the University at Albany's School of Public Health, and the former Director of the state health department's Wadsworth Center on Laboratories and Research.

Dr. Carpenter said old buildings are filled
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The environmental issues that the court needs to address include taking a hard look at how these proposed projects may impact endangered and threatened species, the impact on wetlands, the effects of air pollution, among other issues.

With the issues of global warming and mass extinction of species, what are we doing paving more land, especially our own globally rare Pine Bush? There are a lot of places Pyramid Corporation can build other than in the Pine Bush. We must preserve our ecosystems and we hope the courts will agree with us.

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with contaminants not found in newer buildings, some poisons leak from landfills, and “no one pays attention to what is in buildings when demolished.” Among the contaminants are asbestos, a carcinogen; lead and hydrogen sulfides, both neurotoxins; brominated flame retardants, mercury, cadmium, PCBs and dioxins.

Air pollution from the dump and trucks, he said, cause lung cancer, heart disease and attacks. These are of concern to older people but have a cumulative impact for children. He said contaminants can attach to particulates, many chemicals are coming off the landfill, some damage health and reduce cognitive ability. Lead and PCBs reduce IQ, attention span, and increase misbehaviors. “Anyone living near a landfill,” he said, “will be exposed to it.” Construction and demolition debris waste, he said, should never be buried near a school.

The EGTB unanimously passed a resolution in March 2020 calling for the closure of the dump. The Rensselaer City Council and the Rensselaer County Legislature both unanimously passed dump closure resolutions in 2021.

Former Environmental Protection Agency Regional Director Judith Enck said the United States has less than five percent of the world’s population but generates twelve percent of wastes. The capital region, she said, is becoming a regional dumping ground with Norlite burning hazardous waste in Cohoes and Dunn (owned by Waste Connections) operating the largest construction and demolition (C&D) debris landfill in NYS. Ms. Enck said odor issues [from a few years ago] that got better but are back, municipal solid wastes and PFAS--a whole family of chemicals--are in the dump, and much of the C&D waste, once thought of as non-toxic, is toxic. Dunn dump leachate is trucked to the Albany sewage treatment facility which is designed to handle sewage, not PFAS chemicals, and then discharged into the Hudson River. She said the landfill should be closed before July when its

permit expires.

Jonathan Pollack, a 26-year East Greenbush resident and retired mental health professional, said that since 2015 when the dump opened, his quality of life has diminished. He asked, “What about our rights?..If you can smell it, you can breathe it. I can smell it a lot. What message do we send to our children when their school is next to a dump?” He said he can hear at his house the beeping of trucks in the landfill, and sometimes on Saturday mornings when the dump is supposed to be closed. He concluded with “This needs to end now.”

Robin Ganance, formerly of Rensselaer but now living in Nassau, said “my family is very affected. Many family members live in the hollow (east of Third Street and north of Partition Street) below the dump. She moved from the hollow two years ago for health reasons. She said dumped wastes contain much more than C&D, the rotten egg smell forces her to return to Nassau after visiting family, the noise is sometimes so loud at the cemetery she cannot hear the services, the bridge over the Amtrak tracks in downtown Rensselaer literally shakes when trucks traverse it, and a Rensselaer city street sweeper blows “lots and lots of dust.”

She said, “They need to shut the thing down. They [truck drivers] do not care about [stop] signs. They killed a family cat. School buses have difficulty picking up kids because of the trucks, dogs have health issues from playing in the creek. This is not just my family. Who else is affected?”

Tony Luizi, DEC Region 4 director said “the

department is listening.” Dunn operates under a combined mining and landfill permit issued in 2012 that expires in July 2022. He said DEC will determine if any Dunn dump application is complete for purposes of public and technical review, the public will have at least thirty days to comment, and DEC may require an adjudicatory hearing. Renewal applications, he said, usually do not require public hearings but DEC has decided to treat any Dunn request as a new application. He said DEC took Quackenderry Creek water samples, results were below the maximum allowed 10 PFAS parts per trillion, and new samples have been taken. He said the public can apply to participate in the adjudicatory hearings.

Following these speakers, Bob Welton of EG said the permit process is rigged in favor of the applicant and DEC must take comments through a much broader process than now planned.

David Ellis of Rensselaer said health is being overlooked with the permitting process, the public is not being surveyed about health



Happy 44th
Birthday
Save the Pine
Bush

Save the Pine Bush turned 44 on February 6, 2022. Andy Arthur took this photo of pitch pines in the snow.

issues, and hydrogen sulfide causes brief severe headaches. Dr. Carpenter agreed adding the hydrogen sulfide exposures cause temporary brain dysfunction.

I mentioned how in 2003, DEC granted BASF Corporation a low cost cleanup of its toxic manufacturing property south of downtown Rensselaer supposedly because a more extensive, thorough, and much more costly cleanup, would have generated too much truck traffic, noise, and congestion for Rensselaer. Nine years later DEC ignored what it did in 2003 and granted Dunn a dump permit knowing the new dump would generate a large volume of tractor trailer traffic, noise, and congestion.

Mary, who also lives near Jonathan, compared the dump to a house on fire, said DEC's remedial efforts over the years "doesn't do anything" and asked "Is there no recourse when nothing works? Why waste more time?" She asked Mr. Luizi if we have enough of a record--"a substantial record"--to close the dump.

Mr. Luizi said DEC has five consent orders with Dunn in the last three years, he is aware that some people calling the telephone number staffed by Dunn have to wait 20-30 minutes to make a complaint, and "this is unacceptable." He insisted that calling the complaint telephone number is the best way to register dump complaints, and said Dunn must respond within a fixed time and report complaints to DEC.

Judith Enck said "it is a little crazy" for people to have to call the dump [and not DEC] to make dump complaints. She said there is five years of data and she is not confident Waste Connections will provide accurate data on calls. Mr. Pollack said people do not call the complaint number because of the long waits and, based on his experience, "the response time [to complaints] is never."

Lou Sebesta lives on Partition Street. He bought his house in 2013 never expecting the truck assault that began two years later. He said acute truck noise occurs on Partition Street and asked "How is Dunn not a public health emergency?" He said most trucks weighed in 2018 were overweight. He has a decibel meter and said on September 28, fourteen of fifteen inbound C&D trucks passing his house were louder than a fire truck responding to an emergency. He asked, "How much is our quality of life worth?" Lou said some trucks are louder than 100 decibels, and the decibel scale is logarithmic, meaning a reading of 80 has ten times the intensity of a 70. Lou said the tractor trailers drip dirt and he carefully passed around a food container with 1.4 pounds of dirt and dust he had picked up on Partition Street early that same day.

Chirs Kielb of Menands, a retired epidemiologist who frequents Rensselaer, highlighted

the results of a summer 2021 truck survey of Rensselaer residents living along the truck route. Chris said 44 people returned surveys, about 1/3 of those delivered. Eighty-four percent of survey respondents said they were often bothered by the trucks, 89 percent said the trucks diminished their quality of life, 75 percent sometimes lose sleep, 2/3 sometimes must go indoors, and 55 percent sometimes cannot go out for a walk. She said quality of life issues can impact health. .

Wendy Dwyer of Canaan, a retired nurse, said a nation's greatness can be measured by how it treats its most vulnerable. Even if the Quackenderry Creek is not a human drinking water source, she said, it is for amphibians and birds. She recounted an experience where a person employed picking up giant dumpsters told a man to place the dangerous stuff near the bottom to reduce the probability of it being noticed.

Mike Papero lives on Partition Street. He said the permit excludes much that is important, and that, when issuing the dump permit in 2012, "DEC did not deal with the intangibles and unmeasurables" such as stress and irritation. Trucks pass close by his house 50,000 times a year, he said. "I have zero confidence DEC will deny the permit."

Rensselaer Mayor Mike Stammel, a Republican (who won election to a full term a month earlier), said the county legislature recently voted 19-0 to close the dump, "the whole county is against the dump" and "that should mean something to DEC." He said the city was only looking for money when it accepted the dump years ago. Their attitude was damn the city, school, people, students. He told the EGTB [all Democrats] "we three jurisdictions [Town of East Greenbush, City of Rensselaer and Rensselaer County] want the dump closed. We speak for the people."

East Greenbush Supervisor Jack Conway asked Mr. Luizi if there were or are any conditions that would lead to immediate dump closure. Mr. Luizi said DEC could issue a summary abatement order and close the dump if there is an imminent endangerment to human health or safety.

In response to a question from a board member about how DEC evaluates indicators of quality of life when reviewing dump applications, Mr. Luizi said he could not offer any insight but said the matter might not be decided by DEC. He said DEC could issue a notice to revoke the permit but the burden of proof would be on DEC. In response to a question from Chris Kielb, Mr. Luizi said DEC will look at how to mitigate truck issues in the permit renewal.

Noel of Rensselaer said it is cruel to ask an ailing community to produce evidence and asked DEC "How much is our health worth to you" and what more evidence do you need?

Save the Pine Bush Loses a Friend – Lou Ismay

by Tom Ellis

ALBANY, NY: Lou Ismay died on October 12. He was 96. One of the great environmental leaders and educators of the last half-century, he pioneered a unique course--the Environmental Forum--at the University at Albany where students chose and worked on important short- and long-term environmental projects that were often handed over to new students who took the course the following semester. Some projects continued for years. NYS government employees often provided tips for projects.

The course was offered for eight years, beginning in 1969. Each week the class met for four hours: the first with a guest speaker, the second a sit-down dinner, and the final two a give and take between the speaker and students. Each student was required to assist another student(s) with their projects.

During 1973-1974, a dozen students surveyed the Mohawk River and prevented a Thruway ramp from being constructed across Moss Island with its natural "pot hole" rock formations. One project documented ambulance visits to GE in Selkirk; another exposed the existence of PCBs in the Hudson River. Students cleaned a dump in a Pine Bush ravine. Every wetland in Albany County was documented. The course was nationally recognized and widely reported on in the Times Union and Knickerbocker news.

Many founders of the hugely successful Save the Pine Bush (begun in 1978) met in the Environmental Forum. Lou also moderated a radio show and was a regular at monthly SPB dinners until the pandemic forced suspension of in-person dinners early last year.

Lou was a fountain of historical knowledge and wisdom with a detailed knowledge of many issues, including the health dangers of microscopic airborne particulate matter. I admire Lou's uncompromising commitment to fair play, always behaving in a civil manner, and working for the good of all. Lou had a set of moral values that were superb.

At the April 2019 Save the Pine Bush dinner, Lou said, "If we lose reverence for any part of life, we lose reverence for all of life" and asked "What would the world look like if children really mattered"?

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A Solar Farm in the Pine Bush?

Balancing conflicting environmental needs

by Lynne Jackson

COLONIE, NY: A solar farm is proposed to be built on 75 acres of Pine Bush ecosystem in the Town of Colonie. The proposal is called the Lishakill 1 Solar Farm at 2772 Curry Rd and Lishakill 2 Solar Farm at 2792 Curry Rd.

Save the Pine Bush supports sustainable energy production, including wind, solar and other renewal types of energy. However, taking seventy-five acres of Pine Bush ecosystem to build a solar farm is not acceptable.

The solar farm is proposed to be built in an area of land that the Albany Pine Bush Preserve Commission has designated as “Full Protection”. The Pine Bush Commission defines full protection as “a recommendation that the undeveloped portion of an area be protected in its entirety.”

In a letter dated December 21 from the applicant’s representative to the Town of Colonie Planning board states that “The applicant is working with the Albany Pine Bush on this site to improve habitat for the Karner Blue Butterfly.” The letter continues “A detailed biodiversity management plan will be developed in conjunction with the Pine Bush.” How can habitat be improved for the Karner Blue if the habitat is covered with solar panels? The feed plant for the Karner Blue only grows in the sun, won’t the solar panels shade out the lupine? How can biodiversity be encouraged in the shade of the panels?

There are two, significant world-wide problems we need to address — climate change and the world-wide sixth major extinction of species. Both of these serious problems are caused by human activity. Of course, solar panels address the issue of climate change. The more energy generated by renewable methods,

the better. But, covering 75 acres of Pine Bush ecosystem is not the solution.

There is no question we need more renewable sources of energy. But, is destroying Pine Bush habitat the answer? We need better solutions to the climate crisis than destroying habitat.

The applicant for the solar farm is, Lisha Solar, LLC, a subsidiary of Eden Renewables, located in Troy, NY. According to their website, th founder and CEO, Harry Lopes, has developed rooftop solar projects.

Here is one possible idea: Since we need solar, why not offer Lisha Solar a trade? Lisha solar could give the 75 acre site to the preserve in exchange for New York State allowing them to put a massive solar project on the roof of all of the buildings at the Harriman Office Campus. Land trades have been done in the Pine Bush before to protect the ecosystem — why not a solar farm trade? Surely, we can find solutions to the climate crisis without destroying Pine Bush ecosystem.

The Town of Colonie Planning Board will be reviewing this project at their **next meeting, Tuesday, February 15 at 6:00 PM** at the Town of Colonie Memorial Town Hall, 534 New Loudon Road, Latham, NY 12110. The meeting will be held in person, with no online option that I could find. I hope people either attend the meeting or write to the Town of Colonie Planning Board.

Volunteers Needed!

Want to volunteer with Save the Pine Bush? Volunteers needed for the newsletter, including writing articles and preparing the layout. In addition, volunteers are needed to organize the speakers for the virtual Zoom meetings.

Lasagna Dinners

by Lynne Jackson

We all miss getting together every month to eat delicious lasagna. Covid is still with us, and probably will be with us for decades to come. Is it time for Save the Pine Bush to start thinking about getting together again to eat delicious lasagna and enjoy each other’s company?

But, is the loosening of covid restrictions a good idea? On February 9, 2022, the *NY Times* reports that 2576 Americans died of the disease on just that one day — a horrific, on-going, death toll. The media reports that people are “moving on” from the pandemic. As a an older person myself, I feel that seniors are being thrown under the bus.

Are we ready to start meeting in person again? Given the average age of people who attend dinners, should we protect ourselves by requiring proof of vaccination for all attendees?

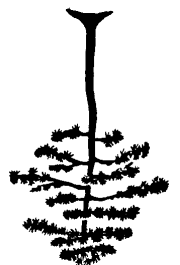
I am very interested in peoples’ thoughts regarding getting together again in person. Or, under what conditions you think we can safely get together. Please let me know what you think by emailing me at contact@savethepinebush.org.

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Supervisor Jack Conway said, “No one not cashing a Waste Connections check is in favor of this” and said the EGTB is unanimous in opposition to the dump. “We have to win” this, he said, because the future of East Greenbush and Rensselaer are at stake. He said it is tremendously frustrating for East Grenbush to have no jurisdiction over the dump but have the dump problems.

This was the second town board meeting this fall that East Greenbush devoted to the Dunn dump. A public hearing was held on September 29. Video recordings of both are on YouTube.

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