

WaterFront Question to DEC, May 13, 2024:

Apparently, Greenidge Generation's Dresden plant continues to operate following the agency's May 8 decision to terminate the appeal of the DEC's June 2022 denial of the company's application to renew its Title V air emissions permit. Does the DEC intend to issue an order to close the plant? If so, when? If not, does Greenidge face any practical consequences for losing its permit appeal, or is it free to operate as usual indefinitely?

DEC Response:

DEC will continue to require the facility to comply with all permit requirements while it operates to ensure protection of public health and the environment. Pursuant to 401(2) of the State Administrative Procedure Act, and DEC's Uniform Procedures Act regulations, the existing permit does not expire until the last day Greenidge Generation has to appeal the decision. New York's Civil Practice Law and Rules provides four months to bring an Article 78 challenge of an agency decision.

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The company has said it intends to seek an injunction in state court to block any attempt by the DEC to close the plant. Would the agency go to court to oppose such a request for an injunction?

DEC Response:

DEC stands by its decision and will vigorously defend it in the event that Greenidge brings a challenge.