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FEATURED BREAKING

DEC director backs denial of Greenidge permit

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TORREY — While opponents of Greenidge Generation and its bitcoin mining operation are applauding a decision that upholds the denial of a new air permit for the plant, company officials are vowing to take the matter to court.

In a decision issued Wednesday, Dereth Glance, regional director of the New York State Department of Environmental Conservation, backed the agency's previous decision denying the permit. Environmental advocates said Glance's ruling confirmed the DEC's authority to deny permits, including renewals, for being inconsistent with the greenhouse gas emissions limits of New York's Climate Leadership and Community Protection Act.

The DEC denied the permit renewal in June 2022. Greenidge appealed the decision to an administrative law judge.

Groups opposed to Greenidge include Earthjustice, Seneca Lake Guardian, and Committee to Preserve the Finger Lakes.

“This is a massive win for the climate and New Yorkers. For the third time, the DEC finds that Greenidge’s operations violate New York law,” said Mandy DeRoche, deputy managing attorney in the Clean Energy Program at Earthjustice. “And for the third time, Earthjustice and our clients welcome this decision on behalf of the communities that live near this fossil power plant that mines cryptocurrency and that pollutes 24 hours a day, 365 days per year.”

“As the news of this major victory spreads, people across New York are rejoicing. This is a huge win for the climate and we are celebrating,” added Yvonne Taylor, vice president of Seneca Lake Guardian.

“Meanwhile, Greenidge continues to spew more and more greenhouse gases into our air at increasing amounts, and will likely try to continue operating while it tantrums over this decision, and drag things out with an appeal. But as we have said all along, and the DEC has validated, burning more fossil fuels in the middle of a climate crisis for fake money is wrong, and in fact it is a violation of our laws. We are relying on our amazing legal counsel ... to determine next steps, but we’re confident that we will ultimately prevail”

Greenidge sent the following statement Friday: “DEC’s political bias in this matter has been clear for years and now we have staff at DEC brazenly overturning the position of its own administrative law judge, who wanted to give this matter a full and fair hearing to determine the facts of the case. The department’s position, that a new state law used for the very first time to deny the renewal of an existing permit, does not bring about even a single factual issue for adjudication is arbitrary, capricious, and utterly preposterous on its face.

“We will be filing an injunction and an Article 78 proceeding in an actual New York state court, where laws and facts govern. Greenidge will continue to operate as we seek relief from this absurd action, and we will continue to fully comply with all state and federal regulations as we maintain good-paying, high-tech jobs in Upstate New York.

“There have been six rulings in state or federal court on Greenidge’s operations in New York, all won by Greenidge. When this issue moves outside of DEC’s political environment and into an actual court of law, we expect the same result.”

In his decision, Glance said there were no remaining issues for adjudication and she canceled a pending hearing, concluding Greenidge’s appeals before DEC.

“As department (DEC) staff and the ALJ (administrative law judge) concluded, it is beyond dispute that granting the renewal permit under these circumstances is inconsistent with or will interfere with

the attainment of the statewide greenhouse gas limits established in [the CLCPA]," Glance wrote. "If the permit were to be granted, it would authorize the continued, increasing (up to the limit of the permit) emission of GHGs (greenhouse gases) from a facility that is combusting fossil fuels in furtherance of operations that also increase energy demand. As a matter of fact, granting the permit will make attainment of the statewide GHG emissions limits more difficult."

Abi Buddington, who lives near the Greenidge plant, was among those trumpeting Glance's decision.

"We applaud this decision and the DEC's original decision on June 30, 2022 — almost two years ago — to deny Greenidge Generation's Title V Air Permit," said Buddington, secretary of the Committee to Preserve the Finger Lakes. "This decision helps preserve the Finger Lakes region, our agri-tourism industry and our communities. This decision stands with all those who voted for the right to have clean air, water and a healthful environment."



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