

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF YATES

In the Matter of the Application of

SIERRA CLUB, COMMITTEE TO PRESERVE THE FINGER  
LAKES by and in the name of PETER GAMBA, its President;  
and COALITION TO PROTECT NEW YORK by and in the  
name of KATHRYN BARTHOLOMEW, its Treasurer; and  
SENECA LAKE GUARDIAN, A WATERKEEPER AFFILIATE  
by and in the name of YVONNE TAYLOR, its Vice President,

Petitioners,

AFFIDAVIT OF  
CAROLYN  
MCALLISTER

Index No. 2017-0232

For a Judgment Pursuant to Article 78 of the  
Civil Practice Law and Rules,

–against–

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION, BASIL SEGGOS, COMMISSIONER,  
GREENIDGE GENERATION, LLC and LOCKWOOD HILLS,  
LLC,

Respondents.

State of New York,  
County of Yates, ss.:

CAROLYN MCALLISTER, being duly sworn, deposes and says:

1. I am a member of the Sierra Club and the Committee to Preserve the Finger Lakes.
2. I am a resident of the Village of Dresden. My husband and I live at 78 Charles Street, Dresden, New York. Our property fronts on Seneca Lake. My husband and I have lived here since 2000.
3. Our home is located a short distance north of the point where the Keuka Outlet flows into Seneca Lake. A true and correct copy of an aerial photograph from Google maps showing the location of our home and dock is attached as Exhibit A.

4. The location of the main discharge outfall for the Greenidge Generating Station is marked on Exhibit A with a blue flag and labeled “Greenidge Outfall 1.” The blue flag marks Latitude: 42°40’57” and Longitude: 76°56’56.” This location is identified in the plant’s State Pollution Discharge Elimination System (SPDES) permit as being the location of “Outfall 001.” As can be seen in Exhibit A, Outfall 001 is located on the Keuka Outlet very near where the Outlet discharges into Seneca Lake.

5. My husband and I, our children and grandchildren are adversely affected by the actions complained of in the verified petition in this proceeding. Our everyday use and enjoyment of Seneca Lake is diminished and our health may be harmed by contamination or other harmful changes to the water we use for swimming and other water sports, by harms to the ecology of aquatic life in the lake, by toxic air emissions, and by disturbing noises, all caused by caused by the new operations of the Greenidge Generating Station.

6. We have a dock in the lake, and we use our shore front and dock to swim, boat and fish in the lake.

7. We do not use the water from the lake for drinking, showering or washing. We are on the Village of Dresden water system which distributes water piped from the Village of Penn Yan water system. The Village of Penn Yan takes the water for its municipal water system from Keuka Lake.

8. Our children, grandchildren and other family members and their pets visit us frequently and use the lake waters with us.

9. Of all the people that live on Seneca Lake and swim, boat and fish in the lake, our home is one of the closest to the Greenidge Generating Station.

10. Greenidge Generating Station began new operations in spring 2017 after having been shut down in 2011 and permanently retired in 2014.

11. The modified SPDES permit issued to the plant on September 11, 2017, authorizes the discharge of up to 134,000,000 gallons per day of heated condenser cooling water from the plant's once-through cooling system with a maximum temperature of 108 degrees F in summer and 86 degrees F in winter into the Keuka Outlet at Outfall 001.

12. If the plant is discharging large amounts of heated water into Outfall 001, those large discharges are likely to raise the surface temperature of the lake around our swimming and boating area and thereby increase the likelihood of harmful algae blooms on our shoreline and result in the exposure of my family and myself and our friends and neighbors to the risks of breathing droplets of water with toxic algae into our lungs or absorbing toxic algae through our mouths and our skin.

13. Hot discharges into the part of the lake where we live, the area surrounding the mouth the Keuka Outlet, are much more likely to heat the lake than similarly-sized discharges into other parts of the lake. The Dresden bay area is the largest shallow area in Seneca Lake.

14. Because warm water floats on cooler water, the water discharged by the Greenidge Generating Station will not quickly dissipate into the deeper, cooler waters of Seneca Lake but will float in the warmer, surface layers in the bay, making those layers even warmer.

15. The currents in the lake flow up the west side of the lake from Watkins Glen and down the east side of the lake from Geneva. For this reason, the shore of the lake north of Keuka Outlet where we live tends to receive the initial flow of water coming out of the Outlet.

16. Depending on wind conditions, discharges from the Greenidge plant can quickly disperse the short distance to our swimming and boating area.

17. I am concerned that large discharges of warmed water from the Greenidge Generating Station could raise the surface temperature of the lake in our area of the lake and increase the likelihood of harmful algae blooms (HABs) in the vicinity of our swimming and boating area.

18. We already have high nutrient levels in the outlet from agricultural runoff and discharges from the Penn Yan wastewater treatment plant in the Keuka Outlet.

19. Because water temperature is one of the risk factors for HABs outbreaks, adding huge volumes of heated water into the Keuka Outlet increases the risks of HABs outbreaks on our shoreline.

20. This exposes my family and myself and our friends and neighbors to increased risks of breathing droplets of water with toxic algae into our lungs and absorbing toxic algae through our skin when we swim in lake water off our dock and shoreline..

21. HABs outbreaks in New York have been increasing in recent years. 2017 was the third consecutive year that HABs have been confirmed in Seneca Lake.

22. On September 20, 2017, a HABs outbreak was spotted on our shoreline by our neighbor Linda Downs, who also found HABs on her own shoreline that day. A copy of the photograph Linda took of the HABS next to our shoreline is attached as Exhibit F to her accompanying affidavit.

23. When we learned about the HABs outbreak we stayed out of the water and we alerted all our family, friends and neighbors to stay out of the water. We stopped using water from the lake for any purposes.

24. Linda took a sample of the HABs bloom on her shoreline and it tested at 30x the threshold level of 25 micrograms of alpha-chlorophyll New York is using to classify HABs and a

level of microcystin that was 3x the threshold value used by New York to classify a HABs sample as high toxin.

25. In addition to increased risks of HABs on our shoreline as a result of new operations at Greenidge Station, I am also concerned about possible adverse impacts on fish and other aquatic organisms from huge water withdrawals of up to 139,248,000 gallons per day from Seneca Lake authorized by the plant's new water withdrawal permit.

26. As I understand the plant's operations, the plant takes in water through a water intake pipe that is 7 feet in diameter and extends 800 feet into the lake. The depth of the lake 800 feet from shore is only about 10 feet. This shallow depth makes it very easy for adult fish, young fish, fish eggs and other aquatic organisms to be drawn into the plant and chopped up as they pass through the plant. The shallow waters of Dresden bay may be important spawning grounds for some species.

27. Even though the plant's newly modified SPDES permit requires the plant to incorporate requirements to install cylindrical wedge wire intake screens on the plant's cooling water intakes and install variable speed cooling water pumps to address requirements under the federal Clean Water Act to reduce fish mortality, it is my understanding that the plant has not yet installed this equipment, and that the plant is currently operating with no protections against fish impingement and entrainment.

28. As a person who fishes on the lake, I am concerned that high levels of fish mortality resulting from the plant's operations with no protections against fish impingement and entrainment are having a negative impact on fish populations in the lake, harming the ecology of Seneca Lake, and harming my ability to catch fish in the lake.

29. I am also concerned about the impacts of the plant's discharges of toxic air

emissions on Seneca Lake and the Finger Lakes region have on people living in this region on local soils and water bodies, and about the impacts on Seneca Lake and local groundwater supplies of leaking leachate from the Lockwood coal ash landfill adjacent to the plant that is currently operating under a consent order for violating water quality standards.

30. I am also concerned about the impacts of the plant's discharges of toxic air emissions on Seneca Lake and the Finger Lakes region have on people living in this region, and the impacts on Seneca Lake and local groundwater supplies of leaking leachate from the Lockwood coal ash landfill adjacent to the plant that is currently operating under a consent order for violating water quality standards.

31. Another concern I have is with noise impacts from the plant. Starting in early April 2017, we were disturbed by loud, screeching noises coming from the plant at all times of day and night. The noises were very loud and disturbed our sleep and daytime activities many days and nights last summer.

32. The plant has never explained the causes of the noises to us, and we don't know when or whether they might start up again.

33. We first heard a very loud screeching noise coming from the plant on April 2 and 3; 2017, then May 2 and 3, 2017 and May 16 -18, 2017. When I called the plant and asked about the noise, I was told that they were "testing" the new gas line.

34. We heard noises again on June 4, 5 and 12, 2017.

35. About that time, my neighbor Abi Buddington purchased a decibel meter, which she lent to me. The type of meter I used was a Colemeter model #WT 85 with a measurement range of 30-130 dB and a frequency Response 31.5Hz-8KHz. I began measuring decibel levels on our deck and dock when the noises were loud. Sometimes I went to the entrance of the plant

and measured the decibel levels there.

36. The highest decibel level I measured on my dock was 69.9 dB at 4:00 AM on July 10, 2017. The highest reading I measured at the plant entrance was 73.9 dB on July 17, 2017.

37. I repeatedly complained about the noise levels to personnel at the Greenidge plant, including plant manager Dale Irwin. I also filed a series of complaints with the Yates County Sheriff's office. My husband Jack McAllister and my neighbors Peter Becraft and B.J. O'Reilly also made calls to complain about the noise.

38. I measured high decibel levels coming from the plant throughout the summer and into the fall. The dates and decibel levels of my measurements are attached as Exhibit B.

39. It is because of my concern for Seneca Lake and the health of this region and my desire to have a full environmental impact review of the possible negative impacts of new operations at Greenidge Generating Station that I make this affidavit.

  
CAROLYN MCALLISTER

Sworn to before me this  
25 day of April 2018

  
Notary Public

Valerie G Gardner  
Notary Public, State of New York  
No. 02GA5046534  
Qualified in Yates County  
Commission Expires July 17, 2019

# **EXHIBIT A**





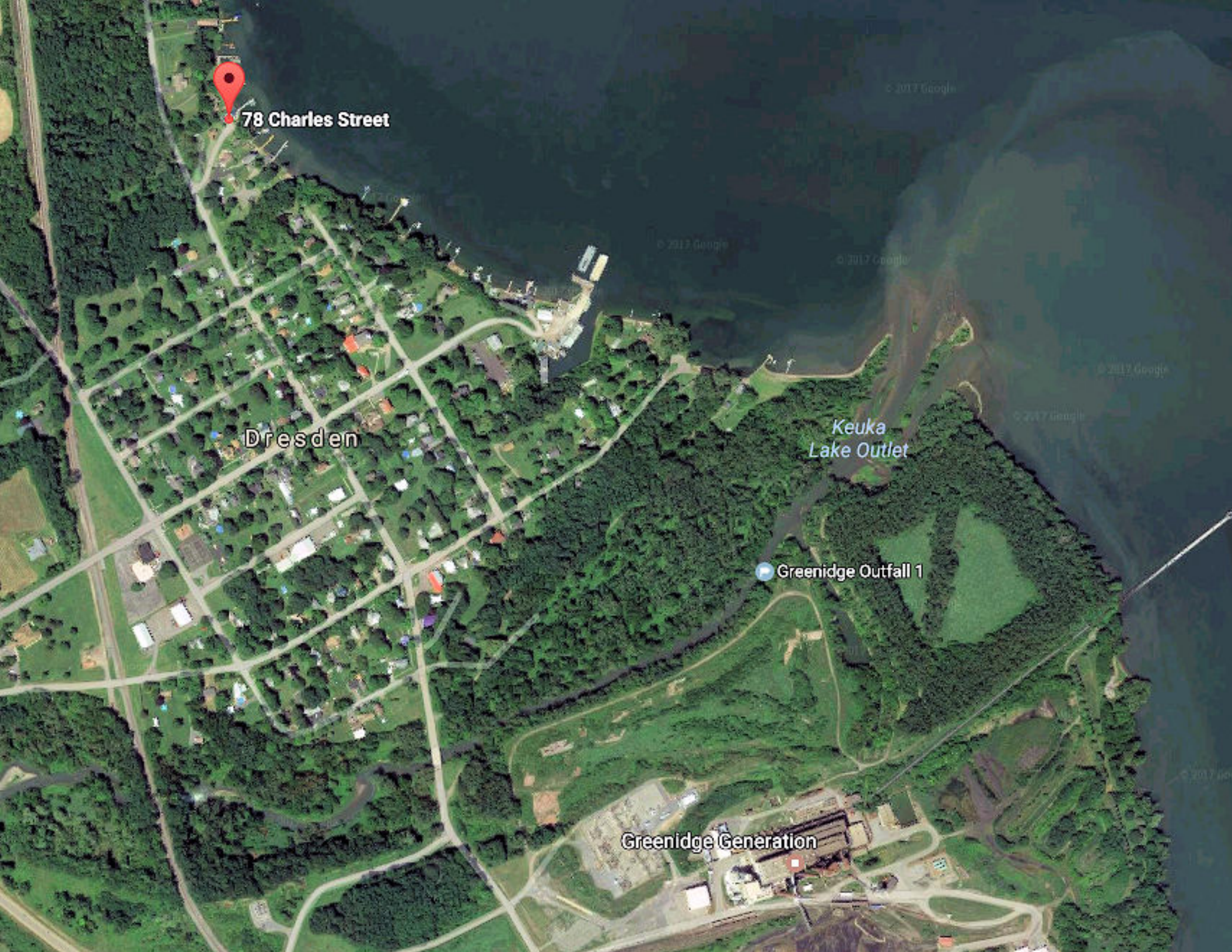
78 Charles Street

Dresden

Keuka  
Lake Outlet

Greenidge Outfall 1

Greenidge Generation



## **EXHIBIT B**

**Exhibit B**

**Sound Testing for Decibel Levels in Dresden, New York**

<b>Date</b>	<b>Time</b>	<b>Decibels</b>	<b>Location</b>	<b>Comments</b>
Sunday, April 2, 2017		Very loud	78 Charles St.	
Monday, April 3, 2017		Very loud	78 Charles St.	
Tuesday, May 2, 2017		Very loud	78 Charles St.	
Wednesday, May 3, 2017		Very loud	78 Charles St.	
Tuesday, May 16, 2017		Very loud	78 Charles St.	Plant personnel said the noise was caused by testing the new gas line
Sunday, June 4, 2017		Very loud	78 Charles St.	
Monday, June 5, 2017		Very loud	78 Charles St.	
Thursday, June 8, 2017		Very loud	78 Charles St.	
Monday, June 19, 2017	4:00 PM	62-69 dB	78 Charles St.	
Monday, June 26, 2017	5:00 AM	69.7 dB	78 Charles St.	
Monday, July 10, 2017	4:00 AM	69.2 dB	78 Charles St.	
Sunday, July 16, 2017	9:30 PM	69 dB	78 Charles St.	
Monday, July 17, 2017	all day	58.2 to 73.9 dB	at plant [address?]	Peter Becraft, BJ O'Reilly and I each called sheriff and Sgt. Frank Ryan came to plant @ 4:20 PM; complaint # 210 7055 03
Sunday, July 23, 2017	4:30 PM	62.3 to 68.2 dB	78 Charles St.	
Monday, July 24, 2017	6:30 PM	56.8 to 58 dB	78 Charles St.	
Wednesday, July 26, 2017	4:30 PM	59.5 to 69.9 dB	78 Charles St.	
Wednesday, August 2, 2017	8:00 PM	62.9 to 68.4 dB	78 Charles St.	
Thursday, August 3, 2017	5:30 PM	63.5 to 70.3 dB	63.5 to 70.3 at plant, 37 to 55.2 at home	Jack called the plant was told they "would adjust it" and that they were "working on the noise issue"

Monday, August 7, 2017	3:30 AM	50.2 dB	78 Charles St.	
Tuesday, August 15, 2017	all day	high 60 dB	78 Charles St.	
Monday, September 4, 2017	all day and night	high 60 dB	78 Charles St.	
Tuesday, September 5, 2017	all day and night	high 60 dB	78 Charles St.	Jack called the plant and spoke with Dale Irwin who said they have ordered a muffler.
Wednesday, September 13, 2017	4:20 AM	62.8 to 69.5 dB	62.8 to 69.5 at plant; 37.5 to 69.5 on dock	