

PENN YAN, Nov. 13, 2018 — Permits granted to Greenidge Generation LLC for the withdrawal and discharge of water by its power plant in Dresden were properly issued by the state Department of Environmental Conservation, a Yates County Supreme Court judge has concluded.

In a [ruling](#) issued Nov. 8, Judge William Kocher dismissed in its entirety a civil suit filed by the Sierra Club and others that challenged the legality of the 2017 water permits.

The decision reflects the conclusions Kocher reached last year when he dismissed a separate lawsuit challenging the power plant's air permits.

“The record establishes that the DEC identified the relevant areas of environmental concern, took a ‘hard look’ at them, and made a ‘reasoned elaboration’ of the basis for its determination,” Kocher wrote.

The power plant restarted in March 2017, five months before the permits were granted. The permits included a requirement that the plant install wedge wire screens on its water intake pipe in Seneca Lake to comply with the federal Clean Water Act. The agency gave the plant until October 2022 to meet the federal standard, which is intended to preserve aquatic life.

In 2015, the DEC had concluded that the restart would not have a significant adverse impact on the environment.

Richard Lippes, attorney for the Sierra Club and other plaintiffs in both cases, said he expected to appeal Kocher's ruling.

“Given (Judge Kocher's) opinion in the first case, none of this is surprising,” Lippes said.

The Sierra Club appealed Kocher's first ruling on the air permits to the New York Supreme Court - Fourth Department in Rochester, which is expected to rule at any time.

Although Kocher executed his decision last Thursday, plaintiff attorneys did not learn about it for five days because the court sent copies through the mail rather than emailing the result.