

## DEC STATEMENT TO WATERFRONT APRIL 17, 2024

DEC subjects every permit application to all applicable federal and State standards to ensure the agency's decisions are protective of public health and the environment.

### ON BACKGROUND

**Does Greenidge hold a permit or a formal waiver of rules or a consent agreement governing its discharges of warmed waters, which lead to the technical violation of the 3-degree rule for portions of Seneca Lake? If so, please include a link.**

DEC continues to require compliance with all permits at Greenidge Generating, LLC for continued operations to ensure the protection of Seneca Lake, including enhanced protections for fish and their habitat. As such, the facility was required under its existing SPDES permit to install wedge wire screens at the facility to prevent fish mortality.

Greenidge's SPDES permit was re-issued in 2017, with a 2022 expiration date. In 2022, DEC received a timely and sufficient SPDES renewal application. Greenidge is continuing to discharge under SAPA provisions including an existing thermal variance. Last year, DEC issued a request for information to receive a full SPDES permit application to begin a full technical review. DEC received an updated SPDES application and a work plan for assessing the thermal variance. The work plan for the thermal variance study was approved on December 12, 2023, requiring work to commence. The thermal variance study will confirm if the temperature limitations established in the initial variance are being met.

**What is the status of Greenidge's appeal within the DEC of the agency's June 2022 denial of its application to renew its Title V air permit? When is a DEC decision due on that appeal?**

DEC staff conducted a rigorous review and extensive evaluation of Greenidge Generation's permit application prior to issuing the permit denial that is now the subject of a pending administrative proceeding. 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.

On July 28, 2022, Greenidge filed a request for a hearing on the denial with the DEC Office of Hearings. Following public comment hearings and initial administrative proceedings, the DEC Administrative Law Judge (ALJ) released her issues ruling on Sept. 22, 2023. The ALJ identified three issues for adjudication and the parties that would participate in this proceeding. The parties include Greenidge, DEC staff, and a coalition of four environmental groups (Petitioners).

The parties were given until Nov. 13, 2023, to submit any appeals. Both Greenidge and Petitioners submitted appeals on Nov. 13. All parties, including DEC staff, had until Dec. 6, 2023, to submit any replies to the appeals. DEC staff submitted a reply to Greenidge's appeal.

Following review of the appeals and any replies, the DEC Commissioner's designee in this proceeding will then determine whether any issues need to be adjudicated.