

# Citizens Campaign Report

□ 19 Court Street, Lower Level • White Plains, NY 10601  
Tel: 914-997-0946 • Fax: 914-997-0983  
□ 466 Westcott Street, 2nd Floor • Syracuse, NY 13210  
Tel: 315-472-1339 • Fax: 315-472-1179  
□ 225A Main Street • Farmingdale, NY 11735  
Tel: 516-390-7150 • Fax: 516-390-7160  
□ 3144 Main Street • Buffalo, NY 14214  
Tel: 716-831-3206 • Fax: 716-831-3207  
□ 744 Broadway • Albany, NY 12207  
Tel: 518-434-8171 • Fax: 518-434-8172  
[www.citizenscampaign.org](http://www.citizenscampaign.org)

Citizens Campaign for the Environment

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## ESTABLISHING COMMUNITY PRESERVATION FUNDS

By Emmett Pepper  
CCE Program Coordinator

As suburban sprawl stretches its arms further outward from our urban centers, the need to protect open space has become increasingly urgent. Citizens who moved to rural or suburban areas to escape traffic jams and concrete are finding that some of these same problems have followed them from the cities. Innovative solutions to protect important local lands are essential to preserving our communities and quality of life for generations to come.

Communities impacted by sprawl often surround sources of drinking water for our urban centers or contain underground aquifers for their own water supply. Sprawling development adversely impacts water quality by increasing polluted runoff from impermeable surfaces such as roads, rooftops, and parking lots. Oil leaks from cars, spilled household chemicals, and pesticides are just some of the pollutants that individuals can introduce to local ecosystems. Additional tools are needed to preserve the open spaces essential to protecting drinking water, community character, and citizen well-being.

This is why CCE launched a statewide campaign to pass the **Community Preservation Act** (S.3153/A.6450). This legislation will empower towns

**In this issue:** The Community Preservation Act, Onondaga Lake, Pesticide Neighbor Notification Law, Recognizing George Kiesel, CCE News Corner, Seneca River and the Cintas Lawsuit, Renewable Energy News, CCE Staff, and Protecting Long Island Sound from Broadwater

across New York State to establish a Community Preservation Fund (CPF) dedicated to the acquisition of important local lands. Following passage of the legislation on the state level, a town legislature must pass a resolution to put the creation of a CPF on the ballot for the next general election. If approved by the voters, the town would establish its own CPF.



*Community Preservation Funds help preserve the open spaces essential to protecting drinking water, community character, and citizen well-being.*

Primarily funded by a one-time real estate transfer fee assessed on properties above the local median housing value, a CPF would relieve longtime residents and working families of some of the financial burden of protecting open space. Senator Carl Marcellino (R-Syosset) and Assemblyman Thomas DiNapoli (D-Great Neck) are the prime sponsors of the legislation.

### Community Preservation Already a Success!

In early 1998, the State Legislature authorized five towns around the Peconic Estuary on eastern Long Island to establish a CPF to purchase and protect open space. One town was so pleased with its CPF that, halfway through the 10-year program, citizens voted overwhelmingly for a 10-year extension! Many

municipalities would directly benefit from the opportunity to create a CPF for their towns. CCE believes that all towns in New York State should have equal access to community preservation tools and the right to establish a CPF.

On February 1, 2005, CCE participated in the Community Preservation Lobby Day along with representatives from a wide array of groups such as the American Farm Bureau, the Natural Resources Defense Council, and the Town of Goshen. On that same day, Senator Marcellino and Assemblyman DiNapoli held a press conference with CCE and the coalition of groups to call on the Legislature to enact the *Community Preservation Act*. There has been overwhelming public support for this legislation.

New York has more than 900 towns, yet only six currently have the right to protect their open space through a CPF. Contact your nearest CCE regional office to find out what you can do to help towns across New York preserve open space, or for more information, log on to CCE's website at [www.citizenscampaign.org/campaigns/cpf.htm](http://www.citizenscampaign.org/campaigns/cpf.htm).

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## **ONONDAGA LAKE: Ending a Legacy of Industrial Contamination**

By Dereth Glance  
CCE Program Coordinator

Considered one of the most polluted lakes in the world, Onondaga Lake, located on the northwest side of Syracuse, NY, was once a celebrated resort area and continues to be considered sacred waters by the Onondaga Nation. A symbol of peace and democracy, Onondaga Lake hosted the historic gathering of Native American nations to plant the tree of peace—to symbolize the end of war, killing, and violence, and form the Haudenosaunee, or Iroquois Confederacy.

A century of abuse, however, left a legacy of industrial chemical and municipal sewage contamination in Onondaga Lake. Inadequate sewage treatment led to a ban on swimming in 1940, and fishing was banned in 1970 because of industrial mercury contamination. The fishing ban prompted the New York State Attorney General to sue Allied Chemical Corp. (later

known as AlliedSignal, which is present-day Honeywell) to stop its mercury dumping, calculated to be 22 pounds per day. A total of 82 tons of mercury and other chemicals have been discharged into the lake over the last century. In 1995, Onondaga Lake was added to the Federal Superfund National Priority List.



*A century of abuse left a legacy of industrial chemical and municipal sewage contamination in Onondaga Lake.*

### **One of the Largest Sediment Removal Projects Ever Undertaken**

Onondaga Lake Bottom sediments are contaminated with persistent industrial toxic waste discharges of volatile organic compounds (VOCs), oils and petroleum derivatives, polychlorinated biphenyls (PCBs), dioxins and furans, and mercury. In the most contaminated area of the lake, commonly referred to as the In-Lake Waste Deposit, initial sampling detected these pollutants as deep as 27 feet below the lake bottom. Based on state-required studies conducted by Honeywell, the New York State Department of Environmental Conservation (NYSDEC) released the Onondaga Lake Bottom cleanup plan for public review and comment in late November 2004.

The proposed cleanup plan presented seven alternatives that differ most significantly concerning the quantity of sediment to be removed through dredging. The State Preferred Alternative would dredge approximately 2.7 million cubic yards of contaminated sediment, provide for isolation capping in the near-shore areas, and require thin layer capping for deep-water hotspots. Among other recommendations, CCE is calling for the establishment of a Citizen Advisory Committee to ensure transparency, provide guidance, and ensure citizen participation in the remediation efforts. Contingent upon NYSDEC addressing our concerns, CCE generally supports the State Preferred Alternative.

The formal comment period on the remediation plan ended March 1, 2005. NYSDEC will address agency and community acceptance in its Record of Decision, expected to be released in the spring of 2005. CCE continues to work to ensure that the cleanup meets public expectations, uses best available remediation techniques, provides maximum protection to human health and the environment, and restores a treasured resource that has been tarnished for far too long.

For more information on the toxic remediation plan for Onondaga Lake, please contact CCE's Central New York office, and for more information on CCE's Onondaga Lake campaign, please visit our website at [www.citizenscampaign.org/campaigns/onondaga.htm](http://www.citizenscampaign.org/campaigns/onondaga.htm).

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## ***ERIE COUNTY RENEWS PESTICIDE NEIGHBOR NOTIFICATION: CCE Urges Other Counties to Follow***

By Brian Smith  
CCE Program Coordinator

Citizens should have the right to know when dangerous pesticides are sprayed near their homes. When residents are given advance notice that a commercial applicator is spraying pesticides on an abutting property, they can keep children and pets inside, close windows, and cover grills and gardens to avoid exposure from drifting pesticides. Peer-reviewed science continues to show that pesticides are a threat to public health, especially to pregnant women and children. Single pesticide exposures can cause acute health impacts, such as asthma attacks, rashes, headaches, and nausea. Furthermore, multiple exposures over time can increase the risk of serious long-term health problems that include a variety of cancers, birth defects, and neurological disorders.

The New York State *Pesticide Neighbor Notification Law* gives people this right to know. The law allows counties in New York State to voluntarily adopt the state law, which requires commercial pesticide applicators to give residents 48-hour written notice when their neighbors' properties within 150 feet of their home, to the street line, will be sprayed with certain pesticides. The law also requires pesticide retailers to post signage near their pesticide products, informing consumers who purchase and personally

apply certain pesticides that they are required to post warning signs on their lawns.

The *Pesticide Neighbor Notification Law* was originally adopted in Erie County in December of 2003, and was first implemented in 2004. The law was adopted, however, with a sunset clause that required expiration on December 31, 2004, unless the Legislature voted to renew it. At the end of the 2004 pesticide-spraying season, the Erie County Environmental Management Council (EMC) was required to complete a review of the law and provide a recommendation on whether or not it should continue. The EMC report concluded that the law was effective and should be renewed.

In fall of 2004, CCE launched an aggressive grassroots campaign to renew this essential law. With overwhelming support from Erie County residents, the County Legislature voted 11-3 on December 22, 2004, to renew the law for two more years! Due to a clause in the Erie County Charter that required a public hearing before the County Executive could sign the law, however, it was signed after the December 31 deadline. As a result, the law will go back into effect on January 1, 2006.



*CCE conducted a successful grassroots campaign to renew the Pesticide Neighbor Notification Law in Erie County, New York.*

CCE continues to advocate for implementation of the *Pesticide Neighbor Notification Law* in 2005. Additionally, CCE is working with other counties to ensure that their citizens are afforded protection by this commonsense law. Recently, CCE began working for adoption of the *Pesticide Neighbor Notification Law* in Monroe County. For more information on CCE's campaign in Monroe County, visit our website at [www.citizenscampaign.org/campaigns/pnn.htm](http://www.citizenscampaign.org/campaigns/pnn.htm).

## CCE SALUTES GEORGE KIESEL: Making a Difference One Nest at a Time

By William Cooke  
CCE Government Liaison

George Kiesel joined CCE almost 20 years ago. It wasn't long after joining our team that George took a serious interest in small migratory shorebirds called *piping plovers*. These tiny little birds, about the size of tennis balls, arrive on the beaches of New York State in early spring. They feed on tiny creatures that are washed up on the beaches each time a wave rolls in, and they nest right there in the sand. George took an interest in these birds because **they are in serious decline, and localized efforts can have a significant impact on their population on Long Island.**



*CCE thanks and congratulates George Kiesel for all of his accomplishments in protecting piping plovers.*

For more than a decade, George has been the plover expert at CCE. George's expertise on this issue, along with his hands-on experience and work, has brought him national recognition. He has worked with state agencies, civic groups, and other environmental groups to develop management plans for a number of beaches on Long Island. These management plans and the thousands of hours of work put in by George and other volunteers have resulted in a more stable plover population and have increased the chances that these birds will survive on Long Island.

George is transitioning in his relationship with CCE. We wish him well as he moves into a career in health services. He will, of course, continue to be active with CCE on the issue of piping plover management and protection. His commitment and expertise continues to be an inspiration to our staff, as well as the hundreds of volunteers that have worked with him on this project over the years.

## CCE News Corner

By Adrienne Esposito  
CCE Executive Director



CCE actively works on many campaigns to protect public health and the environment. The following is a brief compilation of campaigns in which CCE has recently been involved.

### THE GREAT LAKES

On December 3, 2004, in Chicago, Illinois, CCE became a participant in the Great Lakes Regional Collaboration (GLRC). The GLRC is intended to bring together government officials from the local, state, and federal levels, along with quasi-governmental agencies and nongovernmental organizations, to develop a strategy plan for protection and restoration of the Great Lakes ecosystem. CCE is a participant on the Persistent Bioaccumulative Toxins Reduction Team, dealing with issues such as long range transport of mercury, and the Coastal Health Strategy Team, working on issues including sanitary sewer overflows, combined sewer overflows, and beach closings.

### DREDGED MATERIALS AND LONG ISLAND SOUND

On February 8, 2005, at the urging of CCE and others, New York Governor George Pataki and Connecticut Governor Jodi Rell coauthored a letter to the US Army Corps of Engineers calling for a plan utilizing alternative technologies for dredged material, rather than disposing of the materials into the waters of Long Island Sound. This was a first step in stopping open-water dumping into the Sound and a significant turnaround by the State of Connecticut! Furthermore, in 2004, CCE launched a bi-state campaign to stop a 20-year permit that would allow 20 million cubic yards of dredged materials to be dumped in the Sound. As of April 2005, the US Environmental Protection Agency had not issued the permit.

### DAVIDS ISLAND

78-acre Davids Island, once utilized by the US military, is less than fifteen miles from Manhattan in an area of Long Island Sound with extremely low

levels of dissolved oxygen (severe hypoxia). Currently the property of the City of New Rochelle and under steady threat from developers, the island is an important stop for many migratory shorebirds. As any large-scale development on Davids Island would further worsen the water quality of Long Island Sound and endanger the local ecosystem, CCE is currently pushing to have the City of New Rochelle, the County of Westchester, and the State of New York work together in cleaning up the island and designating it as Westchester County parkland.

#### **SUFFOLK COUNTY VECTOR CONTROL**

CCE was very pleased with Suffolk County Executive Steve Levy when he announced that there will be NO mechanical ditch digging in county wetlands for the year 2005. Ditching wetlands has been proven to be detrimental to these areas and may also contribute to mosquito breeding. The *Suffolk County Vector Control and Wetlands Management Long-Term Plan* is due at the end of 2005. CCE is monitoring the process closely.

#### **SHORE PARK**

Shore Park, a contaminated former landfill and pistol range, is located on Long Island Sound, in Pelham Manor, New York. Local community members have provided CCE with the results of independently conducted soil tests that revealed elevated levels of copper, chromium, lead, antimony, zinc, and nickel contamination. Recognizing a significant health threat to park visitors, CCE called for further investigation; however, the New York State Department of Environmental Conservation replied that the elevated levels were *NORMAL* and NO further investigation was needed. CCE is working to reverse this haphazard decision.

#### **JADWIN MEMORIAL STATE FOREST**

Jadwin Memorial State Forest, located on the western edge of the Adirondack Park, in Jefferson and Lewis Counties, is being eyed by the United States Military for training exercises. The Army is researching the feasibility of bringing 600-1000 troops into the forest, complete with heavy equipment, pyrotechnics, and helicopters. Jadwin Forest provides New York State residents more than 20,000 acres with which to observe diverse wildlife and enjoy outstanding recreational opportunities. CCE is closely monitoring this process to ensure that the forest lands remain a public resource.

#### **NASSAU COUNTY ENVIRONMENTAL ADVISORY COMMITTEE**

CCE was appointed to Nassau County Executive Tom Suozzi's Environmental Advisory Committee. This committee is charged with reviewing and evaluating projects that will be funded from Nassau County's \$50 million Environmental Bond Act that passed in November 2004. The committee has held three public hearings to obtain input from citizens and is now working to prioritize the list of environmental projects that will become the basis of the bond ordinance.

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### **How Will the Proposed Cintas Plant Impact the Seneca River? The Public Has a Right to Know!**

By Dereth Glance  
CCE Program Coordinator

Central New York's waterways have been and always will be the region's engine for economic growth and recreational enjoyment, and the Seneca River is no exception. Flowing from Onondaga Lake to the Oswego River and out into Lake Ontario, the Seneca River forms much of the Lysander town boundary. Although the Seneca is on the State's list of impaired waterways, it is a cherished central New York waterway providing recreational opportunities for anglers, boaters, and nature enthusiasts. Central New York citizens are demanding the right to know what impact the proposed Cintas industrial laundry facility will have on the Seneca River, the public sewer system, and public health.



#### **Cintas has been accused of more than 1,100 environmental violations!**

Cintas, a Cincinnati-based Fortune 500 company with annual revenues exceeding \$3 billion, is seeking subsidies from Onondaga County taxpayers to finance a new industrial laundry plant in the Town of Lysander. Cintas' environmental record is one of a notorious clean-water violator. Cintas was caught discharging twice the legal limit of lead from its Central Islip, NY, plant as well as releasing 57% more lead from its Tampa, FL, plant than permitted by law.

### *The Citizen Suit*

On March 8, 2005, CCE joined concerned citizens in filing a lawsuit against the Onondaga County Industrial Development Agency (OCIDA) for illegally ignoring evidence of potentially serious environmental problems with the Cintas plan. The OCIDA ruled November 11, 2004, that there would be no significant environmental impacts from the controversial plan to build a 55,000 square-foot industrial laundry facility. Commenting on these developments, CCE Program Coordinator Dereth Glance said, "Filing the Article 78 lawsuit against the local IDA is the only available option to hold the agency accountable for misusing public tax dollars, ignoring public comment, and failing to consider real environmental risks to our valuable natural resources."



*Dereth Glance, program coordinator,  
is CCE's point person on the OCIDA lawsuit  
in central New York.*

### **The Need and Opportunity for Reform**

Actions of the OCIDA illustrate how unaccountable Industrial Development Agencies (IDAs) can be in New York State. These public authorities are up for reauthorization by the State this year, providing an ideal opportunity to begin debate and adopt real reform. CCE was invited to testify before the New York State Assembly Committee on Local Governments on the need for IDA reform. CCE is working to implement its recommendations, which include increasing greenfields protection and citizen accountability, to improve these public authorities.

To help ensure that Cintas is required to do a full environmental review to protect the Seneca River or for more information on supporting IDA reform, contact CCE's Central New York office at (315) 472-1339 or [syracuse@citizenscampaign.org](mailto:syracuse@citizenscampaign.org).

## Renewable Energy News

By Maureen Dolan  
CCE Program Coordinator

The need for renewable energy is growing every day. Several counties throughout New York State are failing to meet federal air quality standards, and risky energy proposals are beginning to surface, threatening our health and environment. The good news is that the number of renewable energy initiatives in the state is increasing. In New York, nearly 40 municipalities and five counties have committed to purchase renewable energy. Many of these are already purchasing wind energy.

The following are some highlights of exciting recent activity in renewable energy development from around New York State, grouped by county:

### Nassau County:

- **Renewable Resolution:** In March of 2005, Nassau County unanimously passed a resolution calling for the County to purchase no less than 25% of its energy from renewable energy sources by the year 2010.
- **Village of Roslyn Estates:** The Village of Roslyn Estates is the first of the villages and towns in Nassau County to purchase 100% of its electricity from wind energy.

### Suffolk County:

- **Biodiesel Legislation:** In December of 2004, Suffolk County passed a bill that will require the use of biodiesel fuel in county vehicles. Biodiesel is a renewable fuel made mostly from soybean or used vegetable oil. Biodiesel fuel is mixed with regular diesel fuel, significantly reducing harmful diesel emissions.
- **Leadership in Energy and Environmental Design (LEED) Legislation:** Also in December of 2004, Suffolk County passed a bill that calls for a LEED pilot project. Under this legislation the County will erect one building using LEED standards, and then report on the environmental benefits and cost savings of the LEED building. LEED buildings utilize improved water efficiency methods, energy efficient and recycled building materials, and nonpolluting renewable energy.

- **East End Municipalities:** There are currently five East End communities on Long Island that are already purchasing wind energy. Hats off to the Village of East Hampton (100%), and the Towns of Riverhead (50%), Shelter Island (100%), Southampton (100%), and Southold (100%).

#### Tompkins County:

- **Renewable Resolution:** In September of 2004, the Tompkins County Legislature passed a resolution to increase its proportion of renewable energy consumption so that 5% of its annual electricity use will come from renewable sources by 2008. Currently, about 2% of the County's energy comes from solar panels on its public library.

#### Westchester County:

- **“Adopt a Wind Farm”:** Currently, Westchester County municipalities are purchasing almost 3 megawatts of wind energy. The goal is for the municipalities to purchase a total of 15 megawatts—enough to have an entire wind farm dedicated to Westchester County!



*In New York State, nearly 40 municipalities and five counties have committed to purchase renewable energy.*

In addition to the governments mentioned above, there are many other governments, businesses, institutions, and nonprofit organizations that have committed to purchasing renewable energy in New York State over the past several years. Commitments were made to percentages of total energy consumption from renewable sources as well as to specific renewable technologies. To view the growing list and to learn more about renewable energy, visit the renewable energy purchase tracking page of CCE's website at [www.citizenscampaign.org/renewable\\_tracking.htm](http://www.citizenscampaign.org/renewable_tracking.htm).

#### CCE STAFF

**Adrienne Esposito**  
Executive Director

**William Cooke**  
Government Liaison

**Greg Walbrecht**  
Statewide Staff Director

**Mary Ellen Dour**  
Financial Director

**Joyce Abbott**  
Financial Assistant

**David Coppola**  
Webmaster & Newsletter Editor

**Jay Jachimiak**  
Database Manager

#### **PROGRAM COORDINATORS**

**Maureen Dolan**  
Downstate Regional Coordinator

**Dereh Glance**  
Central New York Coordinator

**Brendan Mahoney**  
Long Island Coordinator

**Emmett Pepper**  
Westchester / Lower Hudson Valley  
Coordinator

**Brian Smith**  
Western New York Coordinator

#### **PUBLIC OUTREACH DIRECTORS**

**Jon McLaughlin**  
Telephone Director

**Jason Kulczyk**  
Long Island Outreach Director

**Peter Pedemonti**  
Syracuse Outreach Director

**Erin Reilly**  
White Plains Outreach Director

**Jeremy Wittrock**  
Buffalo Outreach Director

#### **OFFICE MANAGERS**

**Meredith Harvey**

**Morgan Kimmins**

**Nick Listrani**

**Susan Nichols**

## **BROADWATER: An UnSound Idea**

By Adrienne Esposito  
CCE Executive Director

Should global energy companies be allowed to take over a large section of a treasured public water resource? Recently, Broadwater Energy, a joint venture between Shell Oil Company and TransCanada Inc., proposed construction of a liquefied natural gas (LNG) floating facility in the middle of Long Island Sound. If approved, this offshore facility would be the first of its kind in the world and would represent the largest industrial use of the Sound. **CCE is opposed to this ill-conceived project.**

Residents of New York and Connecticut depend on the Sound for recreational purposes, including fishing, sailing, and swimming, as well as commercial purposes such as harvesting of shellfish and finfish. This delicate habitat supports a vast variety of fish and wildlife, including 125 species of birds. In fact, more than 56% of all protected species, including sea turtles, rely on it for survival. For these reasons, the taxpayers of New York and Connecticut have paid more than \$300 million to help restore and protect the Sound.

The public invests in the Sound because we believe it is a public resource that cannot be given away to private corporate interests. This project, however, would allow two multinational corporations to assume control of several square miles. This would set a dangerous precedent and open the door for other energy companies to claim a section as their own.

The proposed LNG facility, as big as the Queen Mary II, would be on a mooring system and would move depending on the tides and current. Its base would cover 7,000 square feet of the Sound bottom, and it would require digging for a 25-mile underwater pipeline to connect it to the existing Iroquois pipeline. Two to three large tankers per week would travel in and out of the Sound to deliver LNG to the barge.

Working aggressively to defeat this project, CCE helped co-found the Anti-Broadwater Coalition (ABC), which now has 50 members from civic, environmental, and other concerned organizations. Furthermore, in March 2005, CCE, along with Connecticut Fund for the Environment: Save the

Sound, sponsored *Sound Discussions*, the first public forum on this important issue. There, New York State Senator Kenneth LaValle (R-Port Jefferson) and Connecticut State Representative Pat Widlitz (D-Guilford), as well as several other elected officials and environmental and civic leaders, reiterated their strong opposition to the project. Approximately 225 members of the public attended to listen, ask questions, and express their concerns! Also in March, CCE testified in opposition to Broadwater's project at New York State legislative hearings sponsored by Senator Carl Marcellino (R-Syosset) and Assemblyman Thomas DiNapoli (D-Great Neck).



*Panelists discussed their opposition to the Broadwater proposal at the CCE cosponsored Sound Discussions— the first public forum on the important Broadwater issue.*

For the past 20 years CCE has been involved in protecting Long Island Sound, and in that strong tradition we continue to fight to protect this unparalleled resource. Generations past have lived and worked on the Sound, and we believe that future generations deserve the same extraordinary opportunities. For more information, please visit our website at [www.citizenscampaign.org/campaigns/broadwater.htm](http://www.citizenscampaign.org/campaigns/broadwater.htm).

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