

# Atlantic States Summer 2009 Legal Foundation

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## Brownfield Remediation in Syracuse



The SyracuseCoE headquarters building is being constructed on an old brownfield site

As the number of brownfields in the City of Syracuse continues to grow, Atlantic States Legal Foundation has teamed with local workforce and economic development

a series of contaminated areas running between Erie Boulevard and Interstate 690. ASLF hopes to transform these brownfields—properties that have been contaminated by pollutants, hazardous substances, or other toxins—back to native wetlands.

Wetland restoration will provide dual benefits to the city. Wetland plants work to penetrate waste, establish soil, and stabilize the environment. Adding to this, a brownfield remediation project presents Syracuse with a valuable opportunity to train a green workforce, and hopefully establish a permanent environmental employment sector in the city.

Establishing wetlands along Erie Boulevard will offer additional benefits to the city environment. In addition to providing much needed water quality improvement and filtration, floodwater storage, wildlife habitat, and stormwater control, the —Continued on Page 3—

organizations to begin remediation while simultaneously building a green labor force.

Although the number of brownfields in Syracuse has reached nearly 170, ASLF has focused its attention on

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## New Resort Risks Aquifer in Bahamas

ASLF has evaluated the Environmental Impact Assessment for Tiger Woods' 500+ acre Albany Resort on New Providence Island, in the Bahamas.

Concern for the potential destruction of the island's freshwater aquifer was the main reason ASLF became involved in this discussion of what we have come to believe is an example of flagrant governmental

A proposed marina capable of harboring numerous 200 foot yachts is the biggest danger to the aquifer, but the completed project will use 1,000,000 gallons of freshwater per day from one of the most endangered groundwater resources in that part of the Atlantic Ocean. Most disturbing is the proposal to dredge a marina access channel 1,800 feet from the proposed marina, through the beach, and out into the ocean to a depth that these mega-yachts can sail. This would entail building retainer walls to keep the channel from filling with the constantly moving sand, and would effectively end pedestrian access to the historic southern beach of the island.

The choice to trade the limited natural resources of New Providence Island for a temporary influx of construction jobs, while catering to the whims of transient foreign visitors, is short-sighted opportunism and purely a careless and non-sustainable choice to allow environmental devastation of those resources owned by all Bahamian citizens.

shortsightedness. Many independent and government-funded studies have concluded that the need for regulating and protecting the water resources is essential, and regulating the scarce freshwater resource for future use is recommended.

## Green Infrastructure on the Near Westside



Roof runoff is directed into this rain garden at 515 Tully St.

**A**tantic States Legal Foundation is collaborating with the SyracuseCoE to help implement the Clinton / Near Westside Green Initiative. The project will plant trees and install green infrastructure in this area. Cornell Cooperative Extension also collaborates in the program, headed by The City of Syracuse and Onondaga County.

This project connects environmental and social actions in a new effort to recuperate the Near Westside Area, characterized by its wide cultural richness. Latin American, African American, Native American and Mid Eastern populations live in this historical neighborhood, an interesting melting pot where immigrant workers have been located since the mid-18th century. How could a green initiative, built around the concept of Green infrastructure, improve the lives of the Near Westside inhabitants?

Green infrastructure is an interconnected network of green space that provides benefits to the community and the environment. Green infrastructure techniques typically utilize natural or artificial systems that mimic natural landscapes in order to capture, cleanse and reduce storm water runoff. Green infrastructure can include parks and nature preserves, green roofs, wetlands, rain gardens, rain barrels, permeable pavement and other methods intended to significantly reduce the amount of storm water runoff entering the sewer system and our waterways. Green infrastructures can naturally manage storm water, reducing the risk of floods, capturing pollution, and improving water

quality.

Paved and other impermeable surfaces increase storm water runoff pollution, even if that pollution is directed by conventional storm water infrastructures. But green infrastructure provides a remedy by intercepting rainfall before it reaches sewers. When compared to conventional “gray” forms of water infrastructure that rely on concrete sewers, green infrastructure might cost less.

On the other hand, green infrastructure projects also foster community cohesiveness by engaging residents in planning, planting, and maintaining visible storm water infrastructure that beautifies and adds value to neighborhoods. Hence, green infrastructures enhance the community environmentally and aesthetically, enriching its quality of life.

In the Near West Side, the green infrastructure will be also a good way to improve the quality of life of its inhabitants, creating job opportunities and strengthening bonds among its different communities, in a city where environmental problems are finally receiving appropriate, holistic solutions.

The use of rain barrels to capture roof runoff is just one of countless green infrastructure practices used to decrease stormwater runoff.

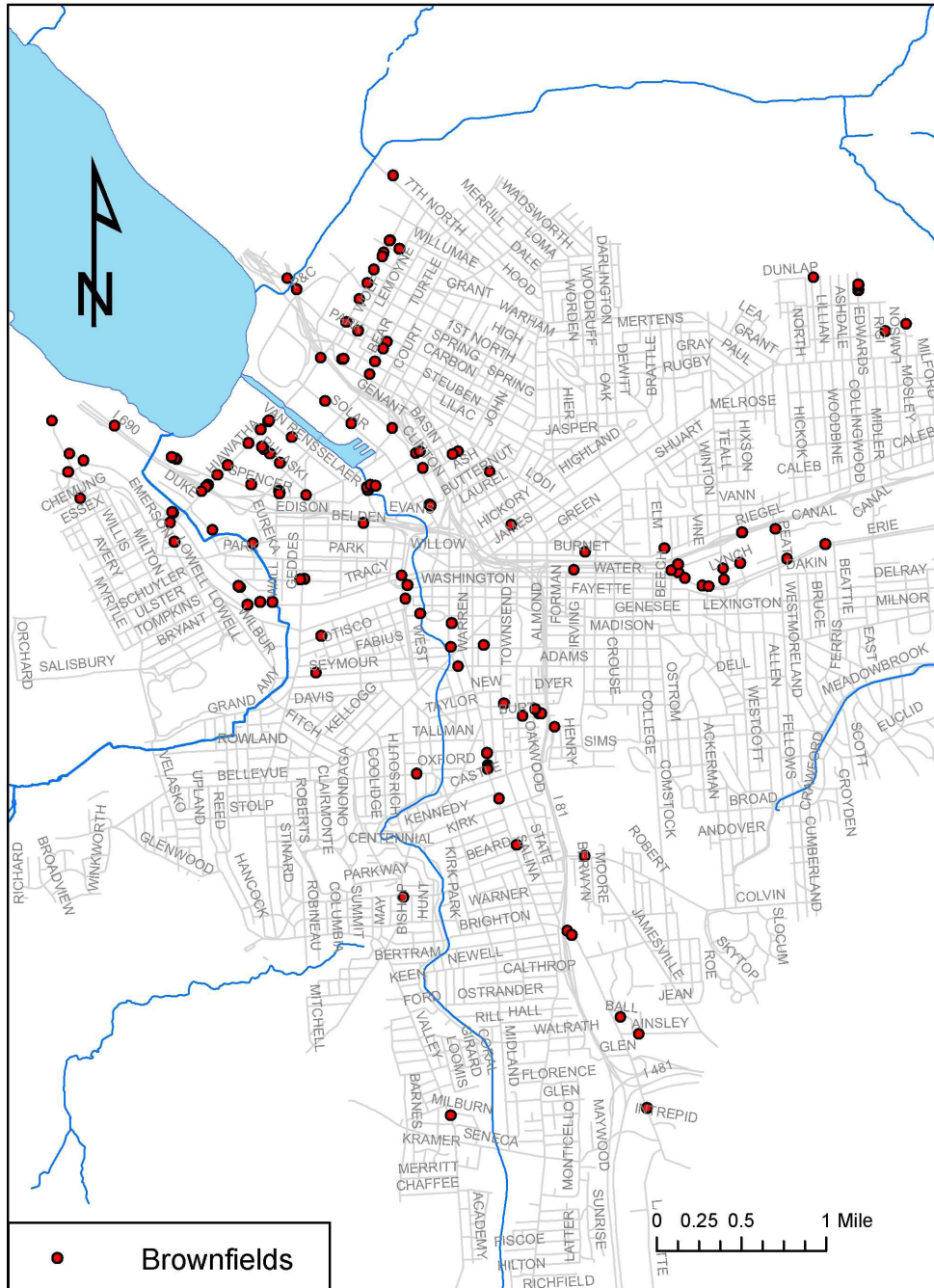


wetlands will be aesthetically pleasing to local residents.

The proposed brownfield revitalization and workforce development program is not unique to Syracuse; the Environmental Protection Agency has funded nearly 5,000 brownfield environmental job training programs. In 2002, the EPA teamed with workforce development organizations in Brooklyn, New York to create the Williamsburg Works job training program. Not only does the project seek to revitalize brownfields in the Borough, but it provides training courses in environmental remediation techniques and sciences. Since its initiation seven years ago, Williamsburg Works has trained nearly 500 employees who currently earn an average of nearly sixteen dollars an hour.

Wetland restoration has the potential to not only remediate contaminated properties, but to alleviate stormwater problems and joblessness in Syracuse. By employing local residents to transform polluted area to green space, the city will be working to establish a green workforce to remediate and beautify Syracuse.

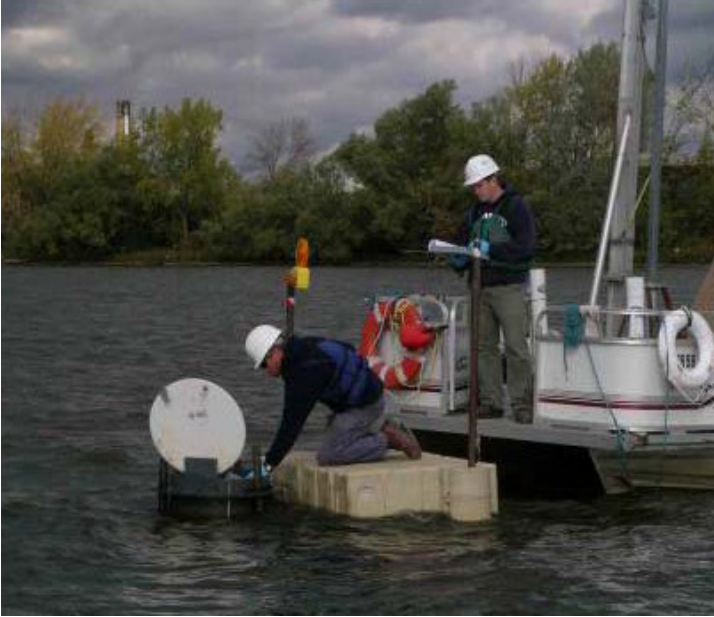
## Brownfields in Syracuse



Data Provided by:  
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Atlantic States Legal Foundation, Inc.  
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## Citizen Participation Plan



The remediation of Onondaga Lake is one of the largest construction projects that the NYSDEC is presently managing.

The New York State Department of Environmental Conservation (NYSDEC) and Honeywell are required to inform and involve the public during the upcoming remedial design and construction phases of the Onondaga Lake Bottom Subsite of the Onondaga Lake Superfund Site. This Citizen Participation Plan (CPP) provides a formal yet flexible plan for communication with the public during the remediation of the Onondaga Lake bottom.

There were many sources of contamination to Onondaga Lake. For years, the city of Syracuse dumped its sewage directly into the lake. This municipal wastewater released phosphorus, ammonia, nitrite, bacteria and other harmful microorganisms into the lake. The lake also began to suffer from a reduced oxygen level that seriously impacted the entire ecosystem of the lake. The lake also suffers from excessive sedimentation. Onondaga Lake was listed on the federal Superfund National Priorities List in December 1994 and is included on the State of New York Superfund list.

The goals of the Onondaga Lake Citizen Participation Plan are to provide communications and dialogue with the public that are open, transparent and proactive. In addition to providing multiple opportunities for dissemination of information to the public, the CPP outlines ways for interested stakeholders to participate in discussions and/or participation groups on the design and construction of remediation activities.

The citizen participation activities are designed to:

- Ensure open two-way communication among the public, the NYSDEC project staff and Honeywell throughout the remedial process
- Involve key stakeholder groups in critical projects
- Create opportunities for the public to contribute information, opinions, and perspectives
- Continually analyze the effectiveness of the CPP.

Public participation activities will be undertaken:

- During design of sediment consolidation area (SCA)
- Prior to construction of SCA and implementation of water treatment system
- Prior to finishing construction of SCA and implementation of water treatment system
- During design of dredging and capping operations
- Prior to beginning dredging and capping operations
- Prior to finishing dredging and capping operations
- During design of habitat restoration plan
- Prior to beginning habitat restoration activities
- Prior to finishing habitat restoration activities.

For each of these milestones, a fact sheet shall be prepared to solicit public input and feedback.

Public input and outreach will be accomplished through Community Participation Working Groups (CPWGs). These groups will be open to the public and consist of public officials, community leaders, citizens, and conservation and environmental group leaders. They will be supported by technical experts from the NYSDEC and Honeywell.



Citizen participation activities provide the public the opportunity to contribute knowledge and opinions while simultaneously encouraging two-way dialogue.

The CPWGs will meet throughout the remediation efforts, providing a forum to inform, receive input and discuss the remediation program. They will create opportunities for the public to contribute information, opinions, perspectives, and recommendations. Feedback from the CPWGs will be provided to the technical design team for evaluation and consideration throughout the design process.

Onondaga County, which owns and operates the Metropolitan Syracuse Wastewater Treatment Plant, has made substantial improvements to its wastewater treatment system, which in turn has resulted in significant reductions in ammonia, phosphorus and bacteria in the lake.

NYSDEC citizen participation plans provide baseline activities that require the issuance of a fact sheet and public availability sessions on all milestone projects. These and a variety of other techniques will be used to inform and engage the public throughout the remediation of the Onondaga Lake bottom.

## Deconstruction

**D**econstruction is an alternative to demolition and landfilling and combines the salvage and recovery of building materials for creative reuse and recycling. Deconstruction is defined as “the process of removing a building by taking it apart in the reverse order of construction. Deconstruction is more labor intensive than demolition. Consequently, more time and money is spent on hand labor than on the operation of heavy demolition equipment. Through cooperation with job training programs, deconstruction has the potential to create well-paid entry-level jobs to the construction trades.

An excellent example of how deconstruction can reduce the demand to provide raw materials for new construction is the recovery and reuse of lumber from deconstructed buildings. When dismantled carefully, older buildings can provide a considerable quantity of usable lumber. Careful demolition can serve as a source of inexpensive materials for the renovation of existing structures or the construction of new structures. By deconstructing a building one is able to capture the value of many of the materials. Fancy banisters, mantelpieces, and ornamental trim are obvious examples, but one can also capture basic building materials such as bricks, framing timbers, flooring, and roof shingles.

On a national level, the timber industry is the single largest user of our country’s land. Timber production exceeds even agriculture in terms of sheer acreage. Reducing the consumption of new lumber reduces the amount of land needed by this industry to meet demand. The deconstruction of a typical 2,000 square foot wood frame home can yield 6,000 board feet of reusable lumber, says The Deconstruction Institute of Sarasota, Florida.

A recent Deconstruction Workshop was attended by local, regional, and state governmental representatives along with private construction contractors and members of local non-profit agencies. Neil Seldman, from the Institute for Local Self-Reliance, described a number of cases where he was able to work with unions to train individuals to work safely and efficiently with living wages and real benefits.

An important component of deconstruction is waste-



A deconstruction effort in Buffalo by ReUse Buffalo

related: keeping construction & demolition (C&D) waste products out of the wastestream prevents millions of tons of methane gas production from being released into the atmosphere yearly due to the decomposition of landfilled debris.

Business opportunities exist locally for performing the deconstruction tasks and for selling the salvaged materials to the public. Habitat for Humanity currently operates ReStore, a retail outlet at 308 Otisco Street near both West Street and West Fayette Street, from which is sold many recycled building materials. Atlantic States hopes to contribute to the formation of “green jobs” in the current Presidential administration by proposing job training programs to enable local residents to qualify for employment in this growing segment of the economy.

Recently, the Syracuse Center of Excellence collaborated with Home Headquarters, Northeast Natural Homes, Fred Smith Roofing, and Hope for Us Housing, in the deconstruction of their first building in Syracuse. The project, which took place at 319 Marcellus Street in Syracuse’s Near Westside, served as a pilot program in what will hopefully be an ongoing deconstruction task force in Syracuse.

## Onondaga Lake Phosphorus results decline



The days of “Eat No Fish From This Water” are long gone, but the contamination in the lake and in the fish still poses many problems. Occasional consumption is now allowed.

to survive. Another benefit of decreased algae growth is increased water clarity.

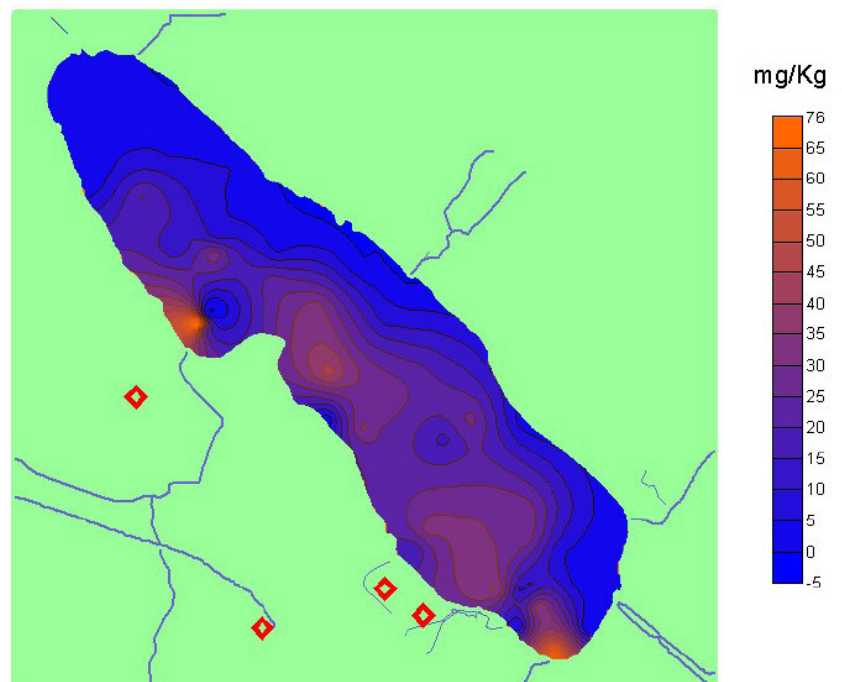
Metro’s recent upgrade allows the increased removal of harmful ammonia from its discharge into Onondaga Lake, and now sends a type of ammonia nitrate into the lake that reduces the amount of methyl mercury released from past deposits into the lake’s water. Methyl mercury contaminates fish flesh and accumulates in the bodies of people and animals that eat the fish.

The surprising result of the latest tests does not mean that the lake has healed to the point where swimming is foreseeable, or that fish will soon become safe for consumption. Both of these goals are pursued to meet the requirements of the U.S. Clean Water Act of 1972.

ASLF filed suit against Onondaga County in 1988 to begin the cleanup of Onondaga Lake, believed by many to be the most polluted water body in the United States. Onondaga County, Honeywell, the NYS Department of Environmental Conservation, and the U.S. Environmental Protection Agency work continuously to make less damaging the output from Syracuse’s antiquated sewage system and remediate a century’s worth of mercury pollution and other environmental damage from industrial discharges in the Town of Geddes. ASLF supports these efforts to return the Lake, its tributaries, and adjacent lands to a condition less harmful to people and animal life both here in Syracuse and in all points downstream; Onondaga Lake drains into the Oswego River, the waters of which go to Lake Ontario, the Saint Lawrence River, and the Atlantic Ocean.

The results of recent testing for phosphorus in the upper waters of Onondaga Lake by Upstate Freshwater Institute have been published. The testing recorded less than 20 micrograms per liter (mpl) of lake water, a great improvement over the 120 mpl recorded in 1987. The lower phosphorus levels have led to higher oxygen levels due to a reduced amount of algae growth which depletes oxygen in the water as it decomposes. This algae not only produces the infamous nasty smell, but decreases the opportunity for fish

### Mercury in Onondaga Lake Sediments at 30-60 cm depth



## Proposed Harbor Brook Project



**A**lthough Harbor Brook runs through the heart of Syracuse, extending from Onondaga Lake towards Erie Boulevard, Geddes Street, and eventually Grand Avenue, few are aware of the stream's presence. While portions of the brook have been forced underground, others have been

channelized and fenced off.

Atlantic States Legal Foundation has received funding from the Environmental Protection Agency to conduct a feasibility study on the possibility of building a walkway along sections of Harbor Brook. Not only would the creation of a creek walk stimulate the cleaning of the brook, but it would encourage Syracuse residents to enjoy their urban environment.

The feasibility study will be supplemented by an analysis on outdoor classroom opportunities along the brook. ASLF is working with teachers from Delaware

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Elementary and Fowler, Westhill and Bishop Ludden High Schools to create such a curriculum. In addition to providing hands-on experience, an outdoor classroom would inspire students to learn about and protect the city's natural resources.

## Green Infrastructure and Environmental Education Program Planned for Dunbar Community Center

**A**tlantic States Legal Foundation is working with the Dunbar Community Center to integrate green infrastructure on Dunbar's property on South State Street in Syracuse. The green infrastructure plan, designed by landscape architect Alexander Shisler, includes the creation of a rain garden, planting native trees, and installing cisterns.

All of these techniques help to lessen the amount of stormwater reaching sewers by systematically capturing runoff and filtering it back into the ground. By mimicking nature's methods of water retention, green infrastructure works to recharge groundwater and prevent stormwater runoff from burdening our sewage system.

In conjunction with the green infrastructure project, ASLF will be running an after school environmental education program at Dunbar. In addition to learning about rain gardens, cisterns, and other water retention techniques, the students will actually be helping to install the infrastructure. ASLF also plans to take the students to nearby parks and forests so they may observe the natural systems that the green infrastructure is based upon. This project is funded, in part, through an Environmental Justice grant from the NYS DEC.

## Atlantic States Legal Foundation Continues Work in Inner Mongolia Autonomous Region

**A**s the effects of global warming on the Alashan desert continues to escalate, Atlantic States Legal Foundation's work in the region becomes more and more critical.

The Alashan, which runs along the westernmost part of the Inner Mongolia Autonomous Region at the northern border of China, already suffers from low levels of rainfall and a high capacity for evaporation. However, climate change, coupled with excessive herding and farming, is intensifying water shortages, increasing the rate of desertification, and threatening the area's rich animal and plant population.

For two years, ASLF, in conjunction with the International Fund for China's Environment, has been working with Chinese governmental and research agencies, as well as non-profit and non-governmental organizations to develop a participatory biodiversity conservation plan for Alashan desert. The project, which aims to create a long-term conservation program, will rely heavily on participation from everyone from farmers and herders to the Alashan government. With the help of local residents and officials, ASLF hopes to develop a conservation strategy that uses education, increased biodiversity monitoring and evaluation techniques, and moral codes to counter the effects of climate change.

## About the Atlantic States Legal Foundation



**Atlantic States Legal Foundation (ASLF)** was established in 1982 to provide affordable legal, technical and organizational assistance to individuals, community groups, and other Non-Governmental Organizations (NGOs), as a way to effectively remediate threats to the natural environment. Throughout the 1980s and early 1990s, ASLF was the principal NGO utilizing the citizen suit provision of the Clean Water Act as a means of forcing polluters to cease the desecration of America's waterways. During that time, and continuing today, we worked cooperatively with local environmental groups and attorneys throughout the United States to deter polluters, and would-be polluters, in a national litigation campaign.

In the early 1990s, ASLF also became known as the lead NGO in the national campaign forcing industries to disclose the extent and volume of toxic materials stored at individual facilities. As a result of a 1998 U.S. Supreme Court decision, continued work under this program has become somewhat curtailed. However, our previous efforts resulted in a vast number of industries becoming accountable to their residential neighbors in relation to potential risks to otherwise uninformed communities.

As ASLF grew, and as the nation's environmental problems and solutions have become more complex, we have been focusing a greater portion of our time and energy providing technical assistance to groups and individuals with specific environmental concerns. We participate extensively in stakeholder negotiations, scientific and technical review and consulting, and community education programs. Our staff scientists work in conjunction with leading experts in the fields of wastewater and mechanical engineering, GIS mapping, chemistry, biology, geology, hydrology, toxicology, and risk assessment, in order to provide affordable, accessible technical expertise to communities in need.

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