

Atlantic States Legal Foundation

658 West Onondaga Street, Syracuse, NY 13204-3711 Summer 2013

www.aslf.org www.onondagalake.org www.glgc.org

Sustainable Urban Spaces: Rethinking Leavenworth Circle



The former Leavenworth Circle (also called Onondaga Circle), replaced by today’s awkward five-way intersection where West Onondaga Street, Delaware Street, Tallman Street and Onondaga Avenue come together, is being considered for renovation. The new concept includes a blend of public art and green stormwater management technologies. ASLF staff, Syracuse City officials, an ESF faculty member, and sculpture artists have collaborated on this idea throughout the past year. The concept involves returning a fountain that was previously the center of the Circle and perhaps restoring the traffic roundabout. Instead of using potable city water in the fountain, as is standard practice, the concept here is to use collected rain water from the surrounding area in accordance with Onondaga County’s CSO abatement efforts, potentially creating another signature project of the County’s Save The Rain program. Both the supply of water and the energy needed to power the fountain will be from sustainable sources; solar panels will be used to generate power for the fountain and they may be included as part of an artistic sculpture to be created by either a local artist or the winner of a design competition that is being

proposed. Initial investigation has shown that when in use the project may collect roughly 2 million gallons of stormwater runoff annually from the surrounding area. This significant capture is certain to attract the County’s interest and investment in this project. To make this project financially feasible without compromising the scope currently suggested, however, the team is searching for external funding through grants and endowments.

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Vet Farms and Refugee Agriculture

ASLF has been actively investigating unique ways in which agriculture can be used as a tool for social and economic progress. We are developing programs that involve veterans, refugees, and other groups of underserved peoples who have an interest in pursuing agriculture as a vocation. For example, our Vet Farms program involves veterans in gardening as a form of therapeutic recreation. More than eight rural landowners are participating in Vet Farms, and produce is being processed into value-added goods. We are also working with refugee groups in Syracuse, such as the Bhutanese Community, in developing an urban farm workforce. The glut of vacant land in Syracuse provides a unique opportunity for developing a thriving, self-sufficient urban agriculture program.



Learning harvest and preparation skills



Planting cucumbers in Cicero, NY

Mangrove-Coral Association Discovery in the US Virgin Islands

The importance of mangrove habitats to coastal ecosystems is well known. Mangroves serve as protective barriers against storm surge on the coast; they serve as a filter that trap sediments, nutrients and other substances that flow from land to sea, and mangroves serve as nursery grounds to juvenile coral reef fish and shellfish. These important services have merited mangroves priority conservation status as critical coastal habitat while their conservation is promoted. Is there a new emerging service that mangroves provide coastal tropical systems? As ocean acidification increases due to the high carbon dioxide presence in the atmosphere and oceans, detrimental effects of low pH in ocean water on carbonate hard-shelled organisms is becoming more apparent. Can mangroves buffer the effects of ocean acidification? A high abundance and diversity of scleractinian corals have been found growing on and around the roots of red mangrove trees in Hurricane Hole, St. John, USVI. The high coral diversity may be unique for mangroves within the Caribbean. Dr. Caroline Rogers of the USGS field office on St. John estimates over 30 species of coral on and around the mangroves of Hurricane Hole. A question asked by USGS and University of the Virgin Islands scientists includes: Do the mangrove prop roots serve as a refuge for corals from environmental stress? This may be the case since most of the corals in Hurricane Hole survived the 2005/2006 bleaching and disease event that devastated many corals on the reefs in the Virgin Islands. The phenomenon of hard corals growing on and around mangrove stands has not been documented anywhere else. Studies on the Hurricane Hole coral-mangrove association has been spearheaded by Dr. Rogers. Supporting researchers include Dr. Kimberly Yates from the St. Petersburg, FL USGS Office, and Dr. Nasseer Idrisi of the University of the Virgin Islands, St. Thomas, USVI. Dr. Idrisi's graduate student, Sophia McKenzie, completed her thesis work on the physical current patterns in Hurricane Hole that may influence the abundance and distribution of the corals in the Hurricane Hole embayments. In fact, residence time measurements show that the embayments with the shortest residence time and therefore fastest flushing time also have the highest diversity and abundance of coral; this may be due to maximum exposure of the substrate to planktonic coral larvae and increased likelihood of settlement in bays with faster flowing water. Dr. Kimberly



Wetland Location Involved in Lawsuits

Yates is in the process of analyzing acidification data around the mangrove habitat of Hurricane Hole.

Save the Rain Vacant Lot Program

To briefly recap the Vacant Lot Program (VLP) which is described in greater detail on our website (aslf.org), the City of Syracuse (City) is confronting the challenge of more than 3,000 vacant lots within its limits. These vacant parcels cause concerns about liability, safety, heavy littering, maintenance costs, and unpleasing visual pollution. Green infrastructure (GI) will be used on these lots to improve stormwater capture under the Onondaga County (County) “Save the Rain” program. ASLF has been directed by the County to develop a vacant lot program while incorporating other benefits for the surrounding community in addition to stormwater capture.

With three projects completed in the summer of 2012, more lots have GI added to their landscape. Additional project sites are to be transformed each year until 2018, covering approximately 20 acres for a total capture of nine million gallons per year.

ASLF has now completed and circulated the first draft of the VLP Manual for *Save the Rain* team members and County officials to review. From this review ASLF hopes to receive progressive feedback and address policy decisions that must be made for the program. Key decisions will involve long term

maintenance mechanisms, municipal involvement, and program elements beyond stormwater capture. Please contact ASLF for further questions about the program.

Completed VLP Projects to Date:

Fall 2011

701 Oswego Street – Urban Orchard and Bio-retention

Spring 2012

1344-46 & 1348-50 West Onondaga Street – Rain Garden and Tree Planting

224 & 226 Putnam Street – Rain Garden with Tree Plantings

109 Hartson Street – Rain Garden with Tree Plantings

ASLF Commences Two Lawsuits To Protect Oneida Lake And Lake Ontario Watershed Ecosystems

ASLF has recently filed two lawsuits expected to be considered by the Courts beginning in April.

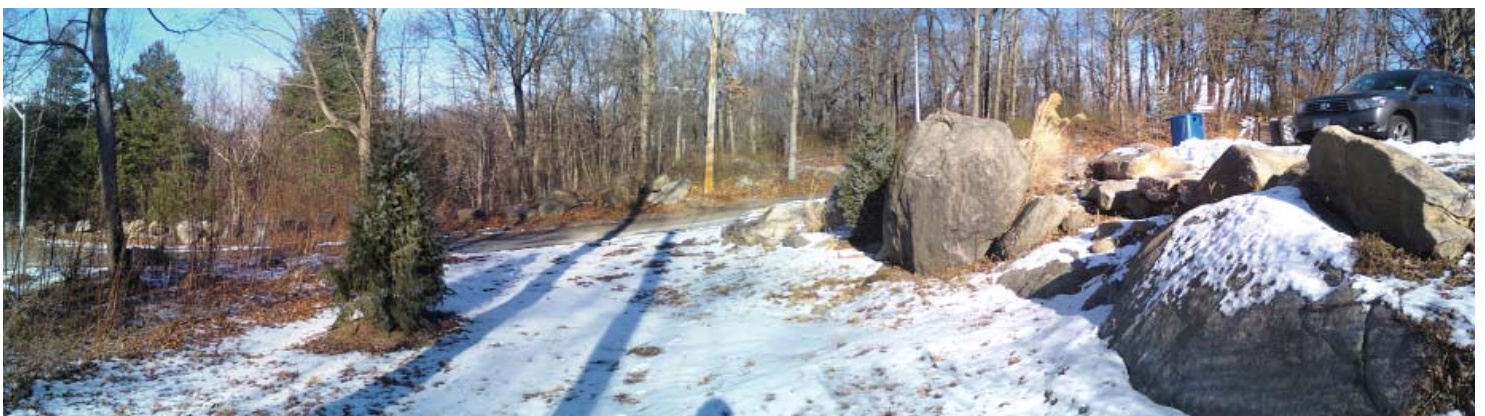
Atlantic States Legal Foundation v. Department of Environmental Conservation (filed in Albany County) challenges a freshwater wetlands permit issued to private property owners in West Monroe, NY that allows them to use a parcel on the northern shore of Oneida Lake which is about 97% Class II wetland. Uses include parking a mobile home and building a screened structure. Using the Freedom of Information Law, ASLF requested that DEC provide all documents, which were then reviewed by counsel. ASLF also spoke with the U.S. Army Corps of Engineers biologist who had visited the site together

with the DEC Region 7 wetlands biologist. The DEC documents revealed that the property owners had not supplied any information or analysis required by the DEC regulations, and that DEC did none of the analysis required by its regulations, and that DEC had failed to make the findings required by the regulations before the permit was granted, in particular that there was a “pressing social and economic need” for the activities that DEC permitted. That failure, a number of other deficiencies in DEC’s reviews, and the property owner’s numerous violations of the law at the site to which DEC turned a blind eye, formed the basis of the lawsuit. *Atlantic States Legal Foundation v. Towns of West Monroe and Hastings* (filed in Onondaga County) seeks to nullify approval by West Monroe of a sewer expansion project that will redirect its sewage to Hastings’ sewage treatment facilities with discharge to the Oneida River. After establishing itself as lead agency, West Monroe ignored the requirements of the SEQRA regulations regarding giving notice to all involved agencies (those with approval functions) and then did not seek any input from them about environmental issues to be considered. The Environmental Assessment was grossly deficient: in particular, West Monroe looked at the project as being limited to running collectors to houses now served by septic systems, while the construction of new facilities other than those collectors and the demolition of the current West Monroe sewage treatment facilities was essentially ignored. Thus, West Monroe engaged in “segmentation” (considering only a part of a project instead of the whole) which is barred by law. In doing so, there was no attention paid to, for example, quagga and zebra mussel infestation, or impacts on the Barge Canal or fisheries in Oneida Lake or whether there will be any impacts on the Oneida River or downstream to and through the Oswego River of the additional sewage. Even considering impacts on the Town itself, West Monroe failed to consider growth

inducement enabled by the availability of the public sewer system. All of those failures were the basis for the lawsuit. The Petition was supported by an affidavit by Dr. Nasseer Idrisi, ASLF’s new Staff Scientist, who earned his PhD at the State University College of Environmental Science and Forestry in Aquatic Ecology and who is a well-known expert on Oneida Lake.

Phosphorus TMDL Approved for Onondaga Lake in June, 2012

On June 29, 2012, EPA approved the Onondaga Lake phosphorus TMDL developed by the NYS Department of Conservation. The TMDL defines point and non-point phosphorus discharges allowable into the Lake on a daily load (weight) basis. It confirms the phosphorus limit of 20 µg/l allowed to be discharged by the Syracuse sewage treatment plant (Metro) and as a maximum total phosphorus concentration in Onondaga Lake. Although ASLF had some concerns regarding the TMDL document, particularly with respect to its lack of consideration of ecological integrity, native species, or sustainability, overall we did not oppose the limits defined within the document, and were generally supportive of the process and its outcome. Considerable effort by the NYS DEC, Onondaga County and others has gone into the development of the TMDL and the data supporting it. Much is understood about the lake, considerably more than in 1998 when the previous TMDL was completed. Onondaga Lake has recovered significantly from the conditions of the mid-1800s, when excess nutrients began to pollute the lake and fostered excessive, offensive plant growth that limited the ecological communities able to live in the lake and limited recreational use and appreciation of the lake by County residents. The lake is now in a period of significant recovery and promises to return to being an economic



Town of Greenburgh New York Nature Center Project Location

and aesthetic resource for the County. In addition, native fish and other aquatic species are returning to the lake; some are successfully reproducing and completing their entire life cycles within the lake habitat. ASLF was one of the original, key, proponents of lake recovery. We have participated in all legal, regulatory, and scientific aspects of lake management and have provided insights and guidance in the many major and minor steps to reach this TMDL. Without the initiative of ASLF in filing the original ACJ, Onondaga Lake may not have become the recovering treasure that it is today!

Greenburgh, NY & Green Infrastructure

ASLF has moved forward with the Town of Greenburgh to manage stormwater at their Nature Center in Scarsdale, NY with funding from the National Fish and Wildlife Foundation. ASLF is the grant administrator for the project and will design interpretive signage for users of the facility. The improvements will reduce the quantity of pollutants in stormwater runoff that enter the Bronx River Watershed by the use of green infrastructure (GI). GI will be used to collect stormwater runoff and reduce pollutant transfer by means of retro-fitting an existing parking lot with porous asphalt and bio-retention basins. Traditional non-porous asphalt parking lots allow water to flow across the surface, picking up pollutants from the debris deposited from vehicles such as rubber and fluids (gas, oils, etc.). Porous asphalt and bio-retention allows the stormwater to go through two main processes of filtration. Pollutants will first be filtered through the structured soils under the porous asphalt and bio-retention basins. After the pollutants have been deposited, they then remain on site to be broken down by natural processes. Pollutants would otherwise enter the watershed where they are often not broken down before use or consumption by human and ecological processes. Interpretive signage will inform users of the nature center about the GI practices used and their purpose for the project. Drexel University, in partnership with youth programs at the nature center, will monitor this project for educational purposes at all levels. Currently ASLF's engineering consultant, eDesign Dynamics LLC, has drafted a schematic design and is making changes to meet the objectives and needs of the client. Once the schematic design has been approved we will start the permitting process and final design stages. Construction is planned for this summer so that the monitoring can begin, while the monitoring of

downstream effects will continue for several years after the project is completed.

ASLF

Publications & Presentations

Presentation:

“Greening Vacant Lots in Syracuse, NY”; at Reclaiming Vacant Properties Conference in New Orleans, LA

Post-conference Proceeding:

“From Gray to Green, Onondaga County’s Green Strategy Addressing CSOs”; Low Impact Development National Symposium 2011 in Philadelphia, PA

Workshop:

“Transforming Urban Vacant Land: Urban Agriculture as a Multifaceted Solution” at Growing Power’s National-International Urban & Small Farm Conference 2012 in Milwaukee, WI

Presentation:

“Transforming Vacant Land: A sustainable reuse strategy for urban communities”, at Syracuse Center of Excellence Symposium 2012 in Syracuse, NY

Presentation:

“Engaging the Community in Green Infrastructure Initiatives” at the 1st annual 2012 New York State Neighborhood Revitalization Conference in Troy, NY.


Presentation:


“Different Shades of Green: Using Innovative Green Infrastructure Solutions to Manage Stormwater” at Annual Conference of the Northeast Chapter of International Erosion Control Association and the Lower Hudson Coalition of Conservation Districts in Fishkill, NY

Environmental Communication in a Diverse Urban Community


Syracuse is a very diverse community. It is probably a surprise to most people, including those who reside in the area, that over 70 languages are spoken in the city. Syracuse is a major refugee resettlement destination, with thousands of displaced people arriving every year from places (most recently) such as Burma, Thailand, Nepal (displaced Bhutanese), and Somalia. Adjusting to American life is a long and difficult process for many people belonging to these groups. An important part of this experience is becoming aware and involved when it comes to environmental issues. One of the major issues we at ASLF are addressing in Syracuse is the consumption of Onondaga Lake fish. We have been working with the US EPA in developing messages, advisories, and communication strategies targeted at specific non-English speaking groups, to educate people on the hazards and risks associated with consuming fish from Onondaga Lake, which may include cancer and birth defects. We plan on expanding this initiative to include a variety of other environmental topics. These include issues of which a working knowledge is crucial in American society.

အရေးကြီးသောအချက်
 အသက်၅၀ အောက်အမျိုးသမီးများနှင့်အသက်၁၅နှစ်အောက်ကလေးများသည်အုံနံ့ဒဂါရေကန် (Onondaga Lake) မှ ငါးများနှင့်ဆီနီကာမြစ် (Seneca River) တလျှောက်တော်ဒဂင်ဗီလ်မြို့ (Baldwinsville) ဝိတ်နံပါတ်၂၄ (Lock 24) အထိမှ ငါးများကိုလုံးဝမစားသင့်ပါ။







ကပ်ငါး (Carp) တို့မစားပါနှင့်။
 ပြား၊ နှင့် ဝိစီအိုင်အောက်ဆိုင်ကန်အဆိပ်ခတ်ပါဝင်သည်။




ဇိုက်ပတ်ချို (White Perch) ငါးတို့မစားပါနှင့်။
 ပြား၊ နှင့် ဝိစီအိုင်အောက်ဆိုင်ကန်ပါဝင်သည်။



လာချမောက်သဲတစ်စင်း (Largemouth Bass) တို့မစားပါနှင့်။
 (၁၅လက်မထက်ကြီးသောအရယ်)-ပြား၊ နှင့် ဝိစီအိုင်အောက်ဆိုင်ကန်ပါဝင်သည်။



ချယ်နယ်လ်ကတ်ဖစ် (Channel Catfish) ငါးတို့မစားပါနှင့်။
 ပြား၊ နှင့် ဝိစီအိုင်အောက်ဆိုင်ကန်အဆိပ် ခတ်ပါဝင်သည်။



A sample from a recent Onondaga Lake fish consumption advisory in Burmese, produced by ASLF

30th Birthday Reflections: ASLF Contributions to Onondaga Lake Recovery

ASLF has long been involved in the Onondaga Lake recovery. Beginning in 1998 with the Amended Consent Judgment (ACJ), ASLF has taken the initiative on behalf of the citizens of CNY to improve Onondaga Lake and its wetlands, fisheries, and other natural ecologic components. The ACJ has required drastic improvements by Onondaga County in their Metro sewage treatment of phosphorus and nitrogen, mandated comprehensive lake monitoring, and resulted in better control of waste water that previously was discharged directly to Onondaga Lake or its tributaries. The lake now supports fishing derbies, recreational boating, sightseeing, walking, jogging, skating, and biking along the lakeshore. ASLF has participated in Onondaga Lake Partnership (OLP) activities, and is actively involved in the transition to a new structure of lake governance for the Onondaga Lake watershed. Just recently, ASLF involvement resulted in an improved Total Maximum Daily Limit (TMDL) that limits phosphorus discharged into the lake. ASLF has provided data summary and assessment services to the DEC on topics such as the mudboils in Onondaga Creek and the future of coldwater fish species in the lake.

Citizen and Resource Opportunities

Internships & Concerned Citizen Volunteers

Atlantic States Legal Foundation, Inc. (ASLF) always welcomes interns who are interested in the work we do. If you are interested in becoming an intern, please contact us with a letter describing what you want to do, and a resume. Communication skills are vital for working here with us. ASLF also welcomes individuals who would like to donate some time helping us protect the environment and improve the community in which they live. Whether you can volunteer only a few times a month or weekly, there is always work to be done! We respect your limited time and we do our best to make sure it is not wasted. So whether you're looking to spend a quiet afternoon gardening or looking to do hydrological research for today's environmental concerns and community there is plenty of work for you!

<p><u>Board of Directors</u> Robin Chanay (Chair), Steven Kulick, Martha H. Loew, Theodore Newman, Samuel H. Sage</p> <p><u>General Counsel</u> Richard Lippes</p> <p><u>President</u> Samuel Sage</p>	<p><u>Staff</u> Medani Bhandari, Lin Kaatz Chary, Hongbin Gao, Paul Harris, Nasseer Idrisi, Aaron M. Lehman, Patrick J. Sullivan</p> <p><u>Counsel</u> Chuck Dworkin</p> <p><u>Interns & Volunteers</u> Nicholas Graves, Marissa Kovage, Megan Murphy, Michelle Meyer, Meghan Hazer, Paige Samblanet, Ashley Winslow</p>
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Donating to ASLF online is easy with "Razoo" or by mail. Visitors to our websites now have the ability to donate simply by clicking the Donate Now logo. Of course, we still enjoy opening mail to find a donation by check, too! Please support your favorite local environmentalists!!! All contributions to ASLF are tax-deductible to the full extent of the law. Copies of ASLF's financial report may be obtained from the New York Department of State, Albany.

_____ YES! I want to contribute to ASLF's important work.
Sign me up at the following level:

- ___ "Spill Stopper" (\$50-\$100)
- ___ "Toxic Avenger" (\$100-\$250)
- ___ "Super-funder" (\$250-\$500)
- ___ "Benefactor" (\$500 +)

_____ Volunteer member
(contribute time/services in addition to or instead of funds)

- I can help ASLF out by:
- _____ Doing research in my area.
 - _____ Helping out in the ASLF office.
 - _____ Providing a place to stay for ASLF associates working in my area.
 - _____ Other:

_____ Send me _____ newsletters to distribute

_____ I am already a member. Please update ASLF's records with the following information.

Name _____

Phone _____

Address _____

E-mail _____

City/State/Zip _____

About 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 work 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. 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 participating 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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Donations link at www.aslf.org



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