



Atlantic States Winter 2008 Legal Foundation

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Atlantic States Finishes Work Around Black Sea

Atlantic States Legal Foundation, Inc. has recently completed a multi-year effort at capacity building among the non-governmental organization (NGO) community in five Black Sea nations with the objective of equipping these NGOs with the skills to implement a program of nutrient reduction in the Black Sea watershed.

Local NGO members provided assistance to bring the NGO community together in seven workshops and other events in different cities around the Black Sea. In the end, workshops were held in Russia, Romania, Bulgaria and Georgia.

Essentially, the format was similar for all meetings, although the nuances differed depending on local interests and sophistication. All meetings included representatives of local groups working on Black Sea issues and all explored further possibilities for cooperation.

In addition to on-site visits for the workshops, numerous other meetings were held to plan the workshops, to seek cooperation and, in some cases, further financial support locally. These additional meetings



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A Sustainable South Side

The South Side of Syracuse has potential to become a magnificent inner-city revival story. Beautiful parks, engaged citizens, historical architecture, and community institutions make this neighborhood stand out in greater Syracuse. In spite of these strengths, however, the neighborhood has been decaying for many years. Median incomes, new business investment, and home values are among Syracuse's lowest. Jobs have been declining and homes have become more expensive to maintain and insulate, placing a heavy financial burden on residents.

In addition to economic problems, environmental challenges are mani-

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enabled us to discuss the program with others including a Bulgarian official who remains interested in working with us. As a leading Ukrainian activist, and the winner of the 2006 Goldman prize, he expressed deep interest in a continued relationship with ASLF and other individuals and entities in each country.

The Black Sea Basin, which includes a significant portion of Europe and Western Asia, has many environmental problems. Some of these are legacy issues from rampant industrialization without any environmental safeguards, and others result from misuses of natural resources. These include everything from unsustainable water use for agriculture and industry, non-point source pollution from agriculture, unsewered rural communities, and over-fishing in the Black Sea.

Many of the most impacted areas were either within the former USSR or Soviet satellite states. These nations are struggling with new governments and new practices and are in different stages of accommodating a civil society and in protecting their environment and cultural heritage. There is a strong desire and need for a clean, self-sustaining environment. Local citizens are well educated in what that means but resource constraints and a lack of strong institutions prevent much from being accomplished.

Unfortunately, problems in the Black Sea are not getting better. At the same time the world community – the United Nations and the World Bank – have limited

their contributions to the Black Sea Environment Program, which was never very robust, making it become even less of a force in the region.

Overall, the program was quite successful in assisting the NGO community in various nations and cities to better understand and implement nutrient reduction initiatives put forth by the Black Sea Environmental Pro-

Overall, the program was quite successful in assisting NGOs in several nations and cities to better understand and implement nutrient reduction initiatives affecting the Black Sea.

gram as first priority in restoring the Black Sea.

With that said, the obstacles facing these now better trained NGOs are formidable. Most of them are without financial means to carry out any new programs and exist mainly on a volunteer basis or with very low paid staff. In addition, the political and economic climate in their homelands, coupled with a lack of tradition for citizen activism, makes the chance for success sporadic at best. There are many well-meaning people who devote many hours to improving their environments and towards making their society more transparent and participatory.

Atlantic States Legal Foundation, Inc. provided valuable training to these NGOs and individuals. We provided them with written resource materials, sources for further information, contact names with faces, and

most importantly, confidence that they are doing the proper thing and they are not alone.

In the future, there is need for a coordinated NGO program based in the Basin able to bring different NGOs together for strategic meetings, visit locations to discuss pressing issues and provide training. This body must work closely with, but not be co-opted by, national or international bodies such as the Black Sea Environment Program. Logically, this new international NGO should be based in Istanbul where interaction with the Black Sea Program could be most easily carried out.

The major obstacle to final success is financial resources. Even though high quality professional staff in the area can still be found at what are very low costs in comparison to western salaries, other transaction costs and expenses are quite high. Just traveling to Istanbul is quite costly, as is traveling from the west.

Perhaps a consortium of US and European Foundations and businesses could join with different governments and set up an initial funding for this operation for the first five years.

Proposed Environmental Benefit Project

Harbor Brook: Enhanced Use of Corridor

In a move to restore a portion of the Harbor Brook corridor between Bishop Ludden Junior-Senior High School to Fowler High School, ASLF has recently proposed an Environmental Benefit Project (EBP). The EBP would start with a feasibility study to determine and, where possible, implement wildlife enhancement, wetland restoration, environmental education (centered in various schools located within the corridor) and a trail along the brook.

Wildlife enhancement would center on improved habitat created by removing exotic species, obstacles to migration (where feasible), and new plantings of native species. Wetland restoration would center on a wooded wetland that was severely damaged in the Labor Day Storm of 1998, a cattail marsh just west of the City of Syracuse boundary, and other existing wetlands in the City.

Environmental education programs would be created in a partnership with three high schools and Delaware Elementary School. Emphasis would be placed on integrating outdoor education

experiences along the creek with existing curriculum and also forming "Harbor Brook Clubs" to work on specific aspects of the project. In the case of the two City of Syracuse schools, programs would be integrated as much as possible with the on-going school/neighborhood renovation and enhancement program.

The trail feasibility aspect of the project would center on constructing a nature trail along the creek from Bishop Ludden into the City as far as Fowler High School. This trail has been proposed previously and is desired by residents in the area. If a trail could be constructed, the hope is that it could eventually be extended to Onondaga Lake and tie into the Loop-the-Lake trail. The project team would identify 3 route alternatives, using the New York State Department of Transportation Highway Design Manual, a Guide for Development of Bicycle Facilities, and American Disabilities Act guidelines. The trail project would comply with federal and state funding guidelines and use existing air quality analysis. The project team will

determine the severity of flood events and associated effects on the creek trail using Federal Emergency Management Agency flood models. Evaluations will be carried out to determine possible environmental, social and economic benefits that would accrue from the construction of a trail along Harbor Brook.

The program would take approximately two years to implement and with additional time for implementing other projects as they become feasible.



The proposed Harbor Brook Trail could eventually link with existing lake trails.

Syracuse School Renovation Project A Case for Rethinking the School Grounds

The City of Syracuse is about to embark on a major effort to upgrade and green all the public school buildings within its jurisdiction. This admirable effort to apply Leadership in Energy and Environmental Design (LEED) standards to all school buildings and to encompass the surround-

ing neighborhoods has yet to consider possibilities for school grounds. Atlantic States Legal Foundation is working to propose that the City of Syracuse consider incorporating the school grounds in this project.

There are two related reasons for this to happen. It will

make better use of these areas as part of the total educational experience and will address the growing research, that shows children having increased problems due to "nature deficiency."

There is a growing movement across the United States, starting in California and, most closely to

fested in high rates of asthma and lead poisoning, affecting many of the community's children. Like many inner-city areas across the country, Syracuse's southside has seen its economic base and standard of living decrease since the late 1980s. In spite of the many complicated reasons for the decline, a strategy for rejuvenation can bring extensive, durable change.

The Sustainable South Side Initiative is a visioning process to identify and bring to life a durable, wealth-generating community on the South Side. It is a strategy to identify

and harness untapped natural and human resources in order to enhance the lives of citizens and provide them with better

access to financial, environmental, and cultural resources.

More specifically, it will be an analysis of the flow of economic and natural resources within the neighborhood and how those resources could contribute even more wealth to the area. Natural resources are integral to quality of life and economic prosperity, but they could be used far more efficiently than they currently are. How much rain could be used to water gardens and flush toilets instead of getting dumped into Onondaga Creek? Are trees planted strategically to shade houses and lower summer cooling costs? How many watts of sunlight could be turned into electricity for homes?

Could locally produced mini-turbines capture some renewable wind energy? How much bio-mass can be converted into valuable products such as compost for gardens and methane to fuel stoves?

The Initiative aims to show how ideas and best practices from all over the country can help the Southside make better use of these natural resources for the betterment of its citizens.

Additionally, the Initiative will conduct a flow analysis of economic assets in the area. This will be accomplished by a comprehensive economic audit, which

will analyze the community's inflows and outflows.

The goal is to increase the amount of resources that stay in the community and foster economic development. After all, a dollar spent with a local business can then be re-spent on other local businesses, while a dollar that is spent outside the community economic zone rarely makes it back.

This helps to show why the southside has had such economic trouble in the past; a very high rate of the money that enters the community in the form of wages is spent elsewhere.

These outputs of money and capital include payments on

any service that is not immediately provided for in the neighborhood.

But, homes can be heated with community-produced fuels, such as solar panels or fast-growing willow for wood stoves.

There are two inherent advantages to creating fuel locally. First, manufacturing fuel sources in the vicinity of the neighborhood would keep money from flowing out of the community.

Second, procuring resources locally would stabilize the cost of energy. Addressing the cost of energy alone would keep

resources in the community, which could then be used for home renovation, investment in schools and businesses, and other long-term community uses.

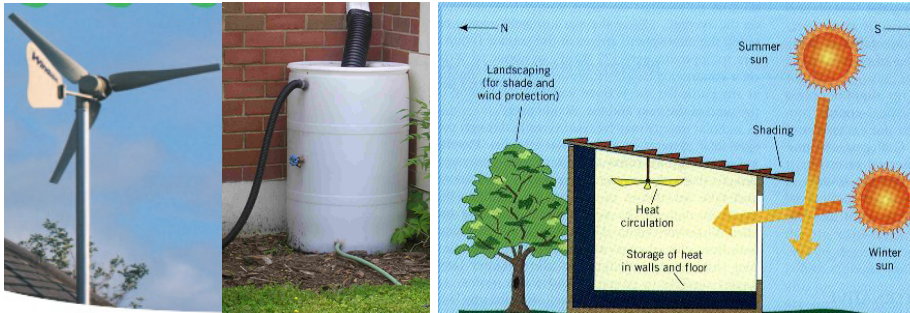
The Sustainable South Side Initiative will help bring urban rejuvenation to an area ripe for change and will be

an effective strategy for creating wealth and increasing the quality of life for residents.

By identifying and analyzing natural and economic resource flows, the southside can better manage existing strengths and build long-term community growth. Recharging the southside economy is important to the residents of the community and the entire Syracuse area.

Reestablishing the core and southern edge of the city as a green, attractive, and profitable region will lead the rest of the city and others across New York State toward a future that we all can be proud of.

–Grayson Fahrner, Cornell '08



Home wind turbine, rain barrel, landscaping and building design can all be used for energy savings.

Syracuse, in Boston, to better utilize outdoor areas connected with public school campuses. These spaces, more often than not underutilized, are now being put to more exciting uses including recreation, gardening, creative play, and academic learning. These initiatives also offer the opportunity to inject additional resources into the educational environment by creating partnerships with community based non-governmental organizations working in education and the environment. These partnerships provide creative ways for bringing new help to financially beleaguered urban schools.

The work of San Diego columnist and writer Richard Louv has focused attention on societal problems stemming from the growing disconnect between children and



Fowler High School is one of the proposed participants in the project.

nature. He talks about “nature deficit disorder” and the movement to enable children to reconnect with nature. He is one of the founders and chair of the board of the Children and Nature Network, whose goal it is to build a movement to reconnect children and nature. Greening the school grounds and can be a major step in getting kids reconnected and opening their eyes to the wonders of the great outdoors.

The forthcoming Request For Proposals (RFP) being issued by Syracuse for the work on upgrading the first schools in the program should be amended to include specific proposals for the outside space of the schools. Although detailed design considerations must be tailored to individual schools with their unique landscapes, there are obvious considerations that should be included in all plans. These would include using locally produced green materials whenever possible, landscaping with native plants, making sure the area is lead-free, and avoiding the use of impermeable paving.

There are now many initiatives in

Syracuse related to the extensive work being done to rehabilitate the Onondaga Lake Basin. This work includes community planning for the future of various creek corridors and other creative projects, such as building wetlands for wastewater treatment that could be utilized as part of the outdoor classroom experience. As many of the Syracuse schools have direct links or are in close proximity to these waterways, the proposed RFP(s) should require respondents to be aware of these projects and to link their proposals and bids to these plans.

The greater Syracuse community contains abundant resources and many creative people whose enthusiasm and knowledge who could positively contribute to these school rehabilitation projects. In addition to providing a magnifier to the available financial resources, collaboration would help build necessary community involvement and commitment to maintain the momentum that this school initiative can spark.

Working to Postpone the Clinton Regional Treatment Facility

There remains a pressing urgency to act in respect to the pending Clinton Street Regional Treatment Facility (RTF). The contracts for that project are out for bids, but since neither the state or the federal government (via the Onondaga Lake Partnership) are allowed to finance any facilities undertaken by Onondaga County that are not part of a regulatory enforcement action or a facilities plan, it is urgent that the DEC

take appropriate steps to postpone construction of the Clinton Street project. In light of these serious fiscal issues it is necessary to reevaluate this and all other proposed combined sewer overflow (CSO) projects and additional Midland conveyances until more comprehensive analysis of the water quality issues in the tributaries is performed.

Currently, Onondaga County is involved with a peer

review-driven updating of Onondaga Lake models (and previously for a new model for the Seneca River). A similar effort should be undertaken for the wet weather model of the tributaries for Onondaga Lake.

The 85% capture requirement and the bacteria standard goals for Onondaga Lake have already been met, thus satisfying the relevant portions of paragraph 14 of the Amended Consent Judgment.

ment (ACJ). Onondaga County has similarly initiated several projects aimed at achieving the ACJ's final CSO compliance benchmark of "elimination or minimization of floating substances in Onondaga Lake attributed to the County's CSOs." With these goals already met, the Clinton Street RTF is no longer necessary under the ACJ.

Given that the Clinton RTF project will cost taxpayers at least \$120 million, there are clearly much more cost-effective methods to address the reduction of solids and floatables that are a result of CSOs. Prior to the negotiation of the original ACJ in 1997, a decision was made to reduce CSO-related costs by replacing an RTF at Franklin Square with two Floatable Control Facilities (FCFs). The total cost of the Franklin FCFs, including planned upgrades, is

\$7 million. These facilities handle flows up to 450 cfs. In comparison, the regional treatment facility option selected for Clinton Street, in-line storage with two vortex separators is designed to handle flows up to 755 cfs. But, as estimated costs for this project continue to rise, it seems much more cost-effective to build a FCF at the Clinton Street site. Whether a centralized approach such as the one at Franklin Square, or whether each CSO is addressed through separate FCFs as with the Teall avenue FCF, the costs will be dramatically lower than construction of an RTF at the Clinton Street site.

With the imminent completion of the Midland site, it seems that the effectiveness of constructing an RTF at Clinton Street will soon be clear. But, what is clear, is the financial

costs related to such a project are much higher than other equally effective possibilities. It is time to consider these alternatives before we spend more taxpayer money on a problem that can be easily and effectively addressed with less money.

Update: Clinton Project Delayed

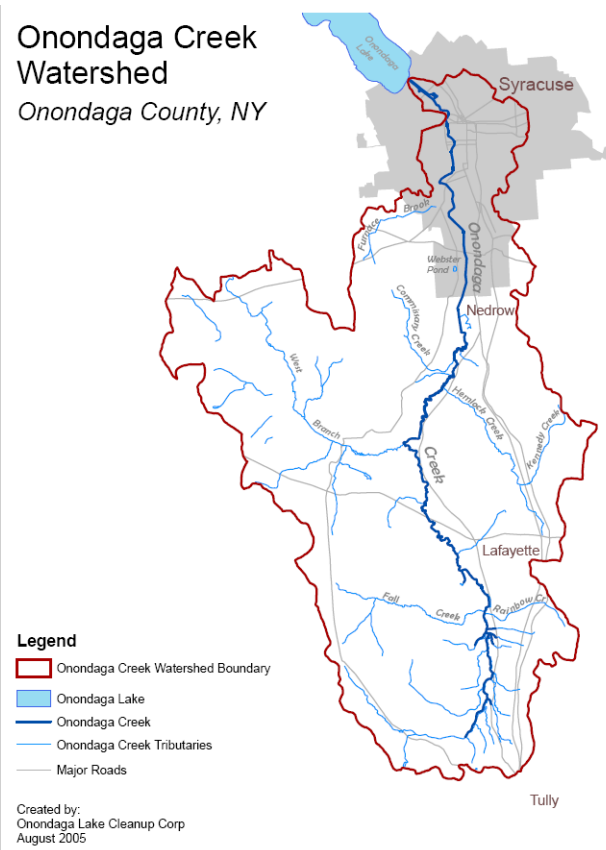
Atlantic States Legal Foundation, Onondaga County and New York State, the parties to the lake clean-up program, have agreed to a two month moratorium period in which to consider alternatives to the Clinton (Armory Square) Regional Treatment Facility. The parties have agreed to look carefully at a wide array of alternatives that hopefully lead towards a cheaper and more environmentally appropriate solution for dealing with these CSOs. The US EPA has recently stepped up its urging for using more disbursed, "green infrastructure" rather than collecting and building massive costly traditional plants.

The Onondaga Creek Conceptual Revitalization Plan (OCRP) Project

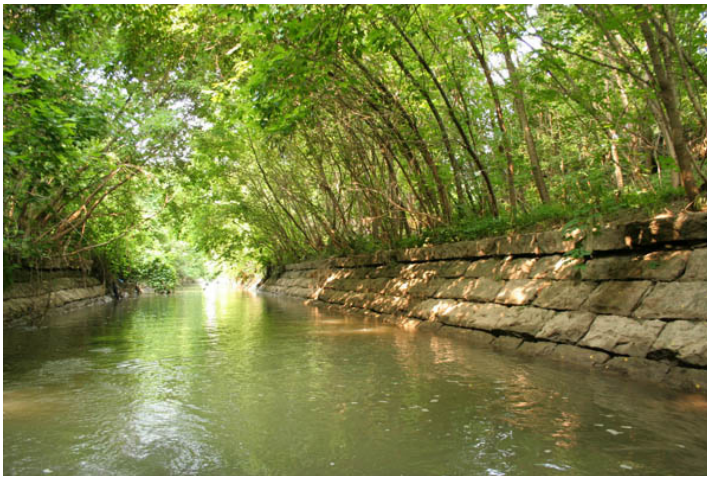
The goal of the OCRP project is to develop a community-based revitalization plan for the Onondaga Creek watershed. Over the last year, stakeholders and community members have worked together to develop a vision for the future of Onondaga Creek through a series of community meetings. These ideas are being integrated into a draft revitalization plan for Onondaga Creek created by the Onondaga Creek Working Group. The Working Group will base the plan on firsthand experience, technical documents and community input. It is expected to be completed in Spring 2008. The plan will then be reviewed by the Onondaga Lake Partnership which may choose to incorporate the plan into the overall management plan for Onondaga Lake. After this review, the plan will be available for public review and comment. Copies of the plan will be publicly available at libraries and on the OCRP website.

For more information:
www.esf.edu/onondagacreek

Onondaga Creek Watershed
Onondaga County, NY



Map by Clark Burdick



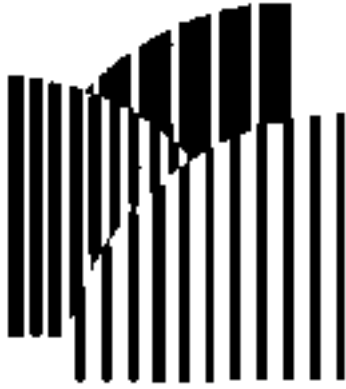
All photos courtesy of: Onondaga Creek Conceptual Revitalization Plan project team

ABOUT ONONDAGA CREEK

- Approximately 35% of the water in Onondaga Lake comes from Onondaga Creek.
- Onondaga Creek begins 18 miles south of Syracuse, in the hills of Tully.
- The creek flows a total of nine miles through the City of Syracuse.
- Three issues that affect everyone along the length of the creek:
 - Impaired water quality
 - Altered natural habitat
 - Restricted public access to the creek
- History:
 - Sewage has been a problem in the creek since the early 1800s.
 - Straightening of the creek began in 1855 in order to increase the flow rate and flush out sewage more quickly.
 - Flooding became a problem as more people settled in the creek's floodplain and deforestation occurred upstream. The creek was further channelized to reduce flooding. Creek straightening and channelizing projects continued well into the 1960s.
 - Channelization resulted in swift currents with steep sides. The creek was infamous for a drowning. A chain link fence was first proposed in 1962 to keep the public away from the "Killer Creek".
- Polluted runoff, sedimentation from landslides and the Tully mudboils, and a lack of public access to the creek, are issues for the creek's rural headwaters.



Members of the Working Group and community participants map out a vision for the future of Onondaga Creek



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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.