



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

November 7, 2025

VIA HAND DELIVERY AND ELECTRONIC MAIL

Hon. Elizabeth Phillips
Administrative Law Judge
New York State Department of
Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

Re: In the Matter of the Denial of the Application for New York State Title V Air Permit
Greenidge Generation LLC, DEC Permit ID No.: 8-57360-0004/00017
Pursuant to Title 6 of the Official Compilation of Codes, Rules and
Regulations of the State of New York (6 NYCRR), Section 621.10(f)

Your Honor:

This letter will serve to inform the Tribunal and parties that, pursuant to the requirements of the State Uniform Procedures Act, Article 70 of the Environmental Conservation law ("ECL") and its implementing regulations in 6 NYCRR Part 621 ("Uniform Procedures") and 6 NYCRR Part 624 ("Permit Hearing Procedures") and in response to an application¹ (the "Application") filed on behalf of Greenidge Generation, LLC ("Greenidge"), the Department of Environmental Conservation ("DEC" or "Department") staff has determined to issue a draft Title V air permit ("the draft Title V permit") for the continued operation of the Greenidge Generating Facility (the "Facility").² A copy of the Application is included with this correspondence.

Department staff and Greenidge have agreed upon certain revised terms and conditions for the draft Title V permit that obviate or resolve all issues in dispute between the parties hereto, including as advanced in the pending adjudicatory proceedings arising out of Greenidge's March 5, 2021, application to renew its Title V permit, the draft Title V permit issued for public review and comment on September 8, 2021 ("the 2021 draft Title V permit") and DEC staff's June 30, 2022, Notice of Denial ("the Denial") of the 2021 renewal application (collectively, the "Proceedings"). The draft Title V permit will include annual emissions limits that establish the Facility's consistency with the statewide greenhouse gas (GHG) emissions limits as established

¹ On November 7, 2025 DEC received an initial application to modify and renew the existing Title V permit. The Application will supplement to the Permit Renewal Application previously submitted by Greenidge on March 5, 2021.

² The draft permit, as defined at 6 NYCRR 201-2.1(11), is the version of the permit offered for public and affected State review under 6 NYCRR Parts 201 and 621.

by the Climate Leadership and Community Protection Act (“the Climate Act”). The draft Title V permit will be issued with substantially the same conditions as in the 2021 draft Title V permit, modified to include these new annual emissions limits.

DEC staff and Greenidge have requested the immediate written concurrence to issuance of the draft Title V permit of all actively participating parties to the proceedings. DEC staff and Greenidge have asked that parties provide their respective concurrence to a Stipulation within five (5) days of receipt of that request, but DEC staff and Greenidge may extend those deadlines by an additional five (5) days, if appropriate. Upon receiving these concurrences, DEC staff will report this to the Tribunal and, ultimately, to the Commissioner’s Designee.³ Presuming concurrences are obtained, and pursuant to 6 NYCRR 624.13(d) and the Department’s Organization and Delegation Memorandum 94-13, titled Effect of Stipulation on Decision-Making and Enforcement Hearings (“O&D Memo 94-13”), these proceedings should be discontinued based on the accompanying Stipulation between DEC staff and Greenidge, as concurred to by the other parties. Consistent with O&D Memo 94-13 and the forthcoming direction of the Commissioner’s Designee (the form of which is attached hereto), Department staff respectfully requests that this Tribunal remand the above-referenced Application to Department staff for processing, as well as close the administrative record for the above-referenced permit hearing proceedings upon issuance of a final Title V permit.⁴

To the extent that the concurrences of all actively participating parties are not obtained in the timeframe stated, please be advised that DEC staff nonetheless intends to issue the draft Title V permit in accordance with the Stipulation. In that event, DEC staff hereby requests this Tribunal’s determination, again consistent with the concurrent direction of the Commissioner’s Designee, that discontinuation of the above-referenced proceedings comports with applicable federal and New York State laws under the unique and specific circumstances of these proceedings. Department staff’s request is as follows:

Consistency Determination:

DEC staff has determined – with the full benefit of all comments from the parties since issuance of the June 30, 2022 Notice of Denial, the administrative hearing record established to date, including a September 22, 2023 Issues Ruling (the “Issues Ruling”), and the accompanying Stipulation that includes Greenidge’s commitment to halt any further emissions increases and reduce permitted and actual emissions at the Facility over the term of a renewed permit – that issuance of the draft Title V permit is consistent with the emissions limits established under the Climate Act.

Under Section 7(2) of the Climate Act, the analysis required of the Department begins with a consistency determination: whether granting an application is inconsistent with or will

³ By Memorandum dated September 19, 2022, the Commissioner of the New York State Department of Environmental Conservation delegated decision-making authority in this matter to Dereth B. Glance, then Deputy Commissioner for Environmental Remediation and Materials Management, now Region 7 Regional Director.

⁴ The Final Permit, as defined at 6 NYCRR 201-2.1(15), the permit issued by DEC that has been subject to all applicable review procedures required under the ECL, CAA, and DEC’s implementing regulations.

interfere with the attainment of the Climate Act's statewide GHG emissions limits. A permit renewal that would not lead to an increase in actual or potential GHG emissions would in most circumstances be considered consistent with the CLCPA. *See* DAR-21.

As further detailed in the Issues Ruling, the Denial was based on a finding of inconsistency with the emissions limits established under Climate Act – largely due to Greenidge's own projections that the Facility's actual GHG emissions would increase throughout a new permit term. The Stipulation now ensures that the draft Title V permit will prohibit further increases in actual GHG emissions at the Facility. Furthermore, the agreed upon revised terms and conditions for the draft Title V permit require additional *reductions* of both permitted and actual emissions at the Facility.

Specifically, Greenidge's current Title V permit contains a limit of 641,878 tons per year of carbon dioxide equivalents (CO₂e)⁵. The draft Title V permit will cap allowable emissions at current actual emissions - 475,683 tons per year of CO₂e.⁶ That is, Greenidge has agreed to an immediate 25% reduction in the Facility's permitted GHG emissions. Furthermore, the draft Title V permit will ensure no further increase in Facility GHG emissions, while also requiring additional emissions reductions over the permit term. By the fifth year of the permit, the Facility's permitted emissions will be capped at 358,071 tons per year of CO₂e. This represents a 44% reduction in permitted emissions at the facility and a 25% reduction in actual GHG emissions at the Facility as compared to current actual emissions.

Absent this agreement, Greenidge may lawfully increase actual emissions at the Facility up to the permitted level of 641,878 tons of CO₂e per year during the pendency of these and any subsequent legal challenges. Issuance of the draft Title V permit will lead to emissions reductions at the Facility and is consistent with the emissions limits established under the Climate Act.

Resolution of All Other Issues:

While the Issues Ruling did not advance the issue of consistency, it is relevant to these proceedings because a finding of consistency under Section 7(2) obviates the need to adjudicate *any* of the remaining issues advanced. As the Court has held, if granting an application is consistent with attainment of the emissions limits, the analysis required under Section 7(2) ends. The application satisfies Section 7(2). The Department has no obligation to continue evaluating the issues of justification and/or mitigation or alternatives when, as is the case here, it concludes that permit issuance is consistent with the statewide GHG emissions limits. *See Greenidge Generation, LLC. v. New York State Dep't of Env't Conservation*, 223 N.Y.S. 3d 846 (Sup. Ct. Yates Cnty. 2024) (*Greenidge* decision).

On this question, the Issues Ruling held that the Department is only required to provide a statement of justification and identify alternatives of GHG mitigation measures when making a decision that is inconsistent with the GHG emissions limits. *See Issues Ruling*, at pp. 27-28. Similarly, mitigation should only be considered when an inconsistent project is found to be

⁵ Facility-wide GHG emissions are limited to 641,878 tons/year of CO₂e on a 12-month rolling total basis, rolled monthly.

⁶ Current actual emissions based on emissions reported to DEC between July 2024 and July 2025.

justified. *See Petitioners' Post-Issues Conference Brief*, March 1, 2023, at p. 42. A finding of consistency with the Climate Act's statewide GHG emission limits means no further analysis is required under Section 7(2), and the proposed permitting action – here, the issuance of the draft Title V permit – conforms with the law. *See Greenidge* decision.

In these proceedings, further adjudication of the additional steps in the 7(2) analysis – justification and mitigation – is therefore unnecessary. No further action is required under Section 7(2). For reasons discussed herein, the same is true under Section 7(3). Accordingly, the issues of justification, mitigation, and Section 7(3) as they relate to these proceedings are hereby resolved between the parties and do not require adjudication. All three issues advanced under the Issues Ruling have been specifically resolved as follows:

1. *Whether there is justification for renewal of the Title V air permit notwithstanding the inconsistency with the CLPCA GHG emissions limits. The purpose of the facility is relevant to this issue.*

As confirmed by this Tribunal and the reviewing Court, Section 7(2) requires the Department to provide a statement of justification only if it is making a decision that is inconsistent with the statewide GHG emissions limits as established by the Climate Act. It does not require the Department to conduct a justification analysis or provide a statement justifying a decision that is consistent with the limits. Here, DEC has determined that issuance of the draft Title V permit with these new emissions limits is consistent with the statewide GHG emissions limits established under the Climate Act. Accordingly, this issue is resolved between the parties and does not require adjudication.

2. *Whether there are proposed alternatives or greenhouse gas mitigation measures which, are real, additional, quantifiable, permanent, verifiable, and enforceable; are located where the project is located, and will result in the immediate lessening or the elimination of the inconsistency or interference with the GHG emissions goals of the CLCPA at the time of permit issuance.*

As confirmed by this Tribunal and the reviewing Court, Section 7(2) requires the Department to identify alternatives or GHG mitigation measures if it is making a decision that is inconsistent with the statewide GHG emissions limits but is nonetheless justified. Section 7(2) does not require the Department to identify alternatives, or GHG mitigation measures when making a decision that is consistent with the limits. Mitigation must only be considered when an inconsistent decision is found to be justified. *See Issues Ruling*, at p. 27. Here, DEC has determined that issuance of the draft Title V permit with these new emissions limits is consistent with the statewide GHG emissions limits established under the Climate Act. Accordingly, this issue is resolved between the parties and does not require adjudication.

3. *Whether renewal of the Title V air permit will disproportionately burden disadvantaged communities, as prohibited by § 7(3) of CLCPA.*

Pursuant to Section 7(3), when considering and issuing permitting decisions, the Department “shall not disproportionately burden disadvantaged communities.” Section 7(3) also

requires the Department to prioritize the reductions of GHG emissions and co-pollutants in disadvantaged communities ("DACs"). Here, Greenidge has agreed to *reduce* actual and permitted emissions. As a result, there will be no increase in actual GHG emissions or co-pollutant emissions at the Facility. DEC has determined that issuance of the draft Title V permit, as modified to incorporate these required reductions of actual emissions, will not disproportionately burden any disadvantaged communities because there will be an overall *reduction* in emissions. No further action is required under Section 7(3). Accordingly, this issue is resolved between the parties and does not require adjudication.

DEC staff has determined that issuance of the draft Title V permit – which will cap and then further reduce actual emissions at the Facility – is consistent with the statewide GHG emissions limits established under the Climate Act. These commitments by Greenidge fulfill applicable federal and State laws, regulations, and policies relating to Greenidge's continued operations through a renewed permit term. In accordance with the Stipulation, DEC staff will propose to issue the draft Title V air permit which includes a modification to incorporate the new annual emissions limits, and the draft Title V permit will have the benefit of full public review and comment.

Furthermore, and in light of DEC staff's determination of terms and conditions to be included in the draft Title V permit, we understand that the Commissioner's Designee will direct DEC staff to complete the Uniform Procedures Act ("UPA") process (6 NYCRR Part 621) for obtaining public review and comment regarding the draft Title V permit.

DEC staff appreciates the Tribunal's courtesies and cooperation throughout these proceedings and, in particular, in the discontinuance and closing of the above-referenced adjudicatory permit hearing. If you have any questions, or need any additional information concerning the foregoing, please contact me. Thank you.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Henry Tranes", with a stylized flourish at the end.

Henry Tranes, Esq.
Associate Attorney

Attachments

cc: Service List w/attachments – VIA ELECTRONIC MAIL ONLY

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

In the Matter of Greenidge Generation LLC's Application for a
Title V Air Permit Renewal

**STIPULATION OF
SETTLEMENT**

DEC Permit ID. No. 8-57360-0004/00017

WHEREAS, this Stipulation of Settlement ("Stipulation") is made as of the 7th day of November, 2025 (the "Signing Date"), by and among Greenidge Generation LLC ("Greenidge") and the New York State Department of Environmental Conservation ("NYSDEC"). Greenidge and NYSDEC are each a "Party" and collectively referred to as the "Parties."

WHEREAS, on March 5, 2021, Greenidge submitted a timely application to NYSDEC to renew its Title V Air Permit ("Title V Permit"), originally issued on September 7, 2016.

WHEREAS, on September 8, 2021, NYSDEC issued for public review and comment a draft Title V permit and associated application materials ("the 2021 draft Title V Permit").

WHEREAS, on June 30, 2022, NYSDEC issued Greenidge a Notice of Denial of Title V Air Permit ("Denial"), wherein NYSDEC denied Greenidge's Title V permit renewal application for the Greenidge Generation Facility ("Facility") based on Section 7(2) of the Climate Leadership and Community Protection Act ("CLCPA").

WHEREAS, following the Denial, Greenidge submitted a timely request for an adjudicatory hearing, in accordance with 6 NYCRR Part 624 (Part 624, Permit Hearing Procedures), on July 28, 2022. An issues conference was held on December 8, 2022 and January 4, 2023 before the assigned Administrative Law Judge ("ALJ") and, on September 22, 2023, the ALJ issued a Ruling on Issues and Party Status.

WHEREAS, by Memorandum dated September 19, 2022, the Commissioner of the New York State Department of Environmental Conservation delegated decision-making authority in this matter to Dereth B. Glance, then Deputy Commissioner for Environmental Remediation and Materials Management, now Region 7 Regional Director (the “Commissioner’s Designee”).

WHEREAS, on November 13, 2023, Greenidge filed a timely administrative appeal, challenging the ALJ’s decision not to advance certain issues to adjudication.

WHEREAS, NYSDEC issued a Final Decision on May 8, 2024 (the “Final Decision”), which concluded that no hearing was necessary and upheld the Denial.

WHEREAS, on August 15, 2024, Greenidge timely commenced a hybrid Article 78 proceeding in Yates County Supreme Court by filing a Verified Petition and Complaint, challenging the Denial as affirmed by the Final Decision.

WHEREAS, on November 14, 2024, the Supreme Court issued a Decision and Order. Among other things, the Supreme Court upheld NYSDEC’s authority to deny a Title V permit renewal but annulled the Final Decision and remitted the matter to NYSDEC “for further proceedings consistent with this Decision.”

WHEREAS, on December 13, 2024, Greenidge timely filed its Notice of Appeal and, on June 13, 2025, Greenidge perfected its appeal with the Appellate Division, Fourth Department.

WHEREAS, while Greenidge’s appeal is pending before the Appellate Division, Fourth Department, the Part 624 administrative process has continued.

WHEREAS, during the Parties’ ongoing administrative and judicial litigation, the Facility’s Title V permit remains valid pursuant to State Administrative Procedure Act (“SAPA”) § 401(2).

WHEREAS, the Parties agree that resolution of the pending administrative and judicial litigation would allow for an immediate reduction of the Facility's potential to emit greenhouse gas emissions ("GHG") and serve the interests of judicial economy.

WHEREAS, attached to this Stipulation are the following Exhibits, each reflecting the mutual agreement of NYSDEC staff and Greenidge:

1. EXHIBIT A: ALJ Order of Disposition;
2. EXHIBIT B: Decision of the Regional Director;
3. EXHIBIT C: Fourth Department Stipulation Withdrawing Appeal;
4. EXHIBIT D: Fourth Department Motion to Withdraw Appeal.

NOW, THEREFORE, the Parties, in consideration of the terms and conditions set forth herein, agree as follows:

1. Within five (5) days after the effective date of this Stipulation, Greenidge agrees to submit to NYSDEC an application to modify and renew its existing Title V air permit (the "Application") with the emissions limits and reporting requirements reflected in Schedule 1. The Application will supplement the Permit Renewal Application previously submitted to NYSDEC on March 5, 2021. In the event Greenidge fails to submit the Application within five (5) days after the effective date of this Stipulation, the Stipulation shall be immediately and irrevocably null and void and of no further force or effect, without further notice by either party to the other.
2. NYSDEC agrees to process Greenidge's Application under the New York State Uniform Procedures Act and NYSDEC's implementing regulations at 6 NYCRR Part 621 (Part 621) and issue a draft Title V permit modification and renewal, with substantially the same conditions as in the 2021 draft Title V permit and with the emissions limits and reporting

requirements set forth in Schedule 1 included therein as new permit conditions. The draft Title V permit will be subject to public review and comment in accordance with applicable NYSDEC regulations for modifying and renewing permits, including Part 621.

3. The Application shall be a sufficient application for renewal as defined at 6 NYCRR 621.2 (Part 621, Uniform Procedures), and include all application forms as deemed necessary by NYSDEC, and all supplemental information and plans required by specific program regulations for renewing permits and identifies any material changes in regulated operations or environmental conditions at the Facility before it can be a draft Title V permit will be noticed for public comment as described herein.
4. NYSDEC has determined that the emissions limits set forth in Schedule 1 establish the Facility's consistency with the Statewide GHG emission limits as established by the Climate Leadership and Community Protection Act ("the Climate Act").
5. The emissions limits set forth in Schedule 1 shall be included in the draft Title V permit as a new permit condition, or multiple conditions as determined by NYSDEC, and no draft Title V permit will be issued that does not contain these emissions limits. Corresponding reporting requirements to ensure compliance with these emissions limits shall also be included as a new permit condition, or multiple conditions as determined by NYSDEC.
6. Following public review and comment, NYSDEC will respond to any such comments to the extent required by applicable law and, if the Department determines no comments warrant further administrative proceedings, thereafter, forward any responsiveness summary and Proposed Title V permit modification and renewal to the United States Environmental Protection Agency ("EPA") for its formal 45-day review period as required under the Clean Air Act ("CAA") and NYSDEC's implementing regulations.

7. In accordance with 6 NYCRR 621.7(b)(9) and 201-6.3(c), the EPA Administrator has the authority to object to and bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the CAA or 6 NYCRR Part 201. No permit for which an application must be transmitted to the Administrator can be issued if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.
8. If the Administrator does not object in writing within the 45-day review period, NYSDEC agrees to issue a final Title V permit modification and renewal to Greenidge for the Facility, provided that the pending appeal described in Paragraph 10 of this Stipulation has been withdrawn.
9. During the pendency of Greenidge's Title V air permit modification and renewal, Greenidge's current Title V Permit will remain valid pursuant to SAPA § 401(2).
10. Within five (5) calendar days after the effective date of this Stipulation, the Parties will submit this Stipulation, and the Application described in Paragraph 1 of this Stipulation to the ALJ and request discontinuance of the administrative hearing on this matter. The Parties will request that the ALJ issue an ALJ Order of Disposition (the "ALJ Order"), as attached hereto as Exhibit A, to discontinue and subsequently close, upon issuance of a final Title V permit, the administrative hearing record for this matter. The ALJ Order will be issued concurrent with the directive of the Commissioner's Designee in a final decision and directive to Department staff, as attached hereto as Exhibit B.
11. Within five (5) days of the ALJ's discontinuance of the administrative proceedings, Greenidge agrees to seek to withdraw its appeal currently before the New York State Appellate Division, Fourth Department, through stipulation of the parties to that appeal, as

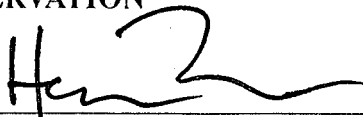
attached hereto as Exhibit C. Should all the parties not agree to the stipulation within five (5) days of the ALJ's discontinuance of the administrative proceedings, Greenidge agrees to make a motion, hereto attached as Exhibit D, to withdraw its appeal returnable at the next available return date.

12. In no case shall a final Title V permit be issued until the pending appeal described in Paragraph 10 of this Stipulation has been withdrawn.
13. The Parties will work in good faith to file all necessary and appropriate documents with the ALJ and Fourth Department, Appellate Division.
14. Any objection by the parties granted party status in the pending administrative hearing before the ALJ, participating as a party in the pending judicial litigation, or by an entity or individual that comments during the public comment period will not impair the terms of this Stipulation or NYSDEC's agreement to issue Greenidge a final Title V permit modification and renewal with the emissions limits set forth in Schedule 1, except as required by law.
15. Greenidge waives its right to challenge, administratively or judicially, any permit issued pursuant to the terms of the Stipulation. This Stipulation does not otherwise affect the rights of parties to seek administrative or judicial review of the permit issued pursuant thereto.
16. Each Party shall defend such Party's actions in the foregoing Paragraphs, specifically including issuance of the final Title V permit modification and renewal described in this Stipulation, in any and all tribunals and courts.
17. This Stipulation does not constitute any admission or acknowledgment of any fact, conclusion of law, or liability by any Party. All parties to the Stipulation agree to bear their

own costs and waive any right to attorneys' fees in connection with the administrative or judicial proceedings.

18. This Stipulation contains the entire understanding of the Parties with respect to the subject matter of this Stipulation and may be modified or extended only in writing. No other agreements, express or implied, oral or written, have been made between the Parties concerning the subject matter of this Stipulation.
19. This Stipulation is effective upon execution by the Parties. This Stipulation may be executed in counterparts, and signatures transmitted electronically shall be deemed originals.
20. The undersigned representative of each of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this Stipulation and to legally bind such party to all terms and conditions of this Stipulation. This Stipulation shall be binding upon the Parties and any successors or assigns.

**NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL
CONSERVATION**

By: 
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By: 

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Dated: November 7, 2025

[Concurrences may be reflected via amendment]

SCHEDULE 1

Permit Year	Actual Emissions Limit (tons of CO ₂ e/year) *
PY1	475,683.48
PY2	475,683.48
PY3	428,115.13
PY4	380,426.78
PY5	358,071.27

Notes: The following terms shall be incorporated as conditions in the draft Title V permit and shall be included in any final Title V permit issued in accordance with the Stipulation:

* Emissions limits to be based on 12-month rolling averages to be calculated monthly.

* During Permit Years 3 and 4, to the extent that the Facility is dispatched to provide power to the grid above the number of megawatts (MW) it provided to the grid at the time of the Denial in June 2022, the emissions associated with the increased MWs shall not count toward the emissions limits in Permit Years 3 and 4. In no event, however, will the Facility's emissions in Permit Years 3 and 4 exceed the actual emissions limit for the immediately preceding Permit Year.

* In no event will the Facility's emissions in Permit Year 5, or any subsequent Permit Years thereafter during which the Facility operates under the final Title V permit, exceed the actual emissions limit of 358,071.27 tons of CO₂e per year, unless expressly authorized by NYSDEC in the form of a subsequent permit modification.

*Greenidge will record and keep a log of the amount of power supplied to the grid for each instance it is dispatched, and the emissions associated with each instance. Greenidge will also record and keep a log of the amount of power used for behind-the-meter activities and the emissions associated with such activities. Greenidge will include all such information in the Facility's semiannual reports already required to be submitted to the Department as a Title V facility.

STIPULATION
Exhibit A
ALJ Order of Disposition

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Denial of the Application for
New York State Title V Air Permit, DEC ID:8-57360-0004/00017
Pursuant to Title 6 of the Official Compilation of Codes, Rules and
Regulations of the State of New York (6 NYCRR), Section 621.10(f)

- of -

GREENIDGE GENERATION LLC,
Applicant

**ORDER OF
DISPOSITION**

DEC PERMIT ID No.:8-57360-0004/00017

Procedural History and Background

Greenidge Generating Station (the “Facility”) is a primarily natural gas-fired electric generating plant with a generating capacity of approximately 107 megawatts (MW), located on the shores of Seneca Lake in the Town of Torrey, Yates County. The Facility originally operated as a coal-fired power plant and was in operation as early as the 1930s. The Facility ceased operations as a coal-fired power plant in March 2011. Thereafter, the prior owner of the Facility relinquished the Title V air permit for the Facility in 2012. The Facility did not operate from 2012 through 2015.

In 2014, Greenidge Generation LLC (“Greenidge”) applied for a new Title V air permit to restart operations at the Facility. The Department subsequently issued a Title V air permit for the Facility on September 7, 2016. The permit term was for a period of five years, or until September 7, 2021.

On March 5, 2021, Greenidge applied to renew its Title V air permit. On September 8, 2021, the Department issued Greenidge a Notice of Complete Application, Availability of Draft Permits and Announcement of Virtual Legislative Public Comment Hearings and a Draft Title V renewal permit.

On June 30, 2022, the Department issued Greenidge a Notice of Denial of Title V Air Permit (“Denial”), wherein the Department denied Greenidge’s Title V permit renewal application based on Section 7(2) of the Climate Leadership and Community Protection Act (the “Climate Act”).

On July 28, 2022, Greenidge submitted a timely request for an adjudicatory hearing. An issues conference was held on December 8, 2022 and January 4, 2023.

By Memorandum dated September 19, 2022, the Commissioner of the New York State Department of Environmental Conservation delegated decision-making authority in this matter to Dereth B. Glance, then Deputy Commissioner for Environmental Remediation and Materials Management, now Region 7 Regional Director (the “Commissioner’s Designee”).

The Ruling on Issues and Party Status was issued on September 22, 2023. Three issues were identified for adjudication: (1) Whether there is justification for renewal of the Title V air permit notwithstanding the inconsistency with the CLPCA GHG emissions limits. The purpose of the facility is relevant to this issue; (2) Whether there are proposed alternatives or greenhouse gas mitigation measures which, are real, additional, quantifiable, permanent, verifiable, and enforceable; are located where the project is located, and will result in the immediate lessening or the elimination of the inconsistency or interference with the GHG emissions goals of the CLCPA at the time of permit issuance; and (3) Whether renewal of the Title V air permit will disproportionately burden disadvantaged communities, as prohibited by § 7(3) of CLCPA.

On November 13, 2023, Greenidge filed a timely administrative appeal, challenging the decision not to advance certain issues to adjudication. Petitioners filed an administrative appeal urging that the adjudicatory hearing was unnecessary and there was no need to adjudicate any issues. Six months later, the Department issued a Final Decision on May 8, 2024 (the “Final Decision”), which concluded that no hearing on justification or mitigation was necessary and upheld the Denial.

The background and procedural history with respect to the renewal of the Title V permit are set forth in greater detail in the September 22, 2023, Ruling on Issues and Party Status. Parties to the adjudicatory proceedings have included the mandatory parties Department staff and Greenidge, and Petitioners (Seneca Lake Guardian, The Committee to Preserve the Finger Lakes, Fossil Free Tompkins and Sierra Club).

On August 15, 2024, Greenidge timely commenced a hybrid Article 78 proceeding in Yates County Supreme Court by filing a Verified Petition and Complaint, challenging the Denial as affirmed by the Final Decision. On November 14, 2024, the Supreme Court issued a Decision and Order. Among other things, the Supreme Court upheld the Department’s authority to deny a Title V permit renewal but annulled the Final Decision and remitted the matter to NYSDEC “for further proceedings consistent with this Decision.”

On December 13, 2024, Greenidge timely filed a Notice of Appeal, and it subsequently perfected the appeal on June 13, 2025. Oral argument before the Appellate Division, Fourth Department is scheduled for January 2026. On a parallel track, the Part 624 administrative process has continued. Pre-filed testimony on the issue of justification has been filed, with the hearing scheduled to commence on November 18, 2025.

Stipulation and Order of Disposition

On November 7, 2025, Henry Tranes Esq., counsel for the Department in the above-referenced proceeding, delivered to this Tribunal: (1) a Stipulation, and (2) an application to modify and renew Greenidge’s Title V Permit.

Accordingly, pursuant to the Department's Organization and Delegation Memorandum (O & D Memo) 94-13, titled "Effect of Stipulations on Decision-Making in Permit and Enforcement Hearings" and issued on May 5, 1994, as well as the concurrently issued Decision and directive of the Commissioner's Designee in this matter, I am remanding this matter to Department staff for final processing of a draft Title V permit modification and renewal for the Greenidge Generating Station.

The Title V matter pending before me is hereby discontinued, and Department staff shall advise this Tribunal within five (5) days of the Department's issuance of a final Title V permit modification and renewal for the Greenidge Generating Station in accordance with the Stipulation as agreed to by the parties.

Upon issuance of a final Title V permit, and after appropriate public process, the above-referenced proceeding will be concluded.

Albany, New York

_____ 2025

Elizabeth Phillips
Administrative Law Judge

STIPULATION
Exhibit B

Decision of the Regional Director

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Denial of the Application for
New York State Title V Air Permit, DEC ID:8-57360-0004/00017
Pursuant to Title 6 of the Official Compilation of Codes, Rules and
Regulations of the State of New York (6 NYCRR), Section 621.10(f)

- of -

GREENIDGE GENERATION LLC,
Applicant

**DECISION OF THE
REGIONAL DIRECTOR**

DEC PERMIT ID No.:8-57360-0004/00017

By Memorandum dated September 19, 2022, the Commissioner of the New York State Department of Environmental Conservation delegated to me the decision-making authority in this matter.

On November 7, 2025, counsel for staff of the New York State Department of Environmental Conservation (the "Department") in the above-referenced hearing proceedings (the "Proceedings") delivered to the Administrative Law Judge (the "ALJ") for the Proceedings an application to Modify and Renew Greenidge's Title V Permit.

Department counsel's correspondence to the ALJ further included a Stipulation between Department staff and Greenidge outlining the process for issuance of a draft Title V permit.

On [DATE], 2025, the ALJ determined that the actively participating parties to the Proceedings had concurred with the Stipulation, as well as to issuance of the draft Title V permit.

Accordingly, and notwithstanding any prior decision of this Department, including without limitation the June 30, 2022, Notice of Denial in this matter, I hereby direct and confirm the ALJ's remand to Department staff for final processing and issuance of the draft Title V permit.

Upon issuance of a final Title V permit and after appropriate public process, the Proceedings shall be concluded.

Albany, New York

_____, 2025

Dereth B. Glance, Regional Director, Region 7
New York State Department of Environmental Conservation

STIPULATION

Exhibit C

Fourth Department Stipulation Withdrawing Appeal

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION FOURTH DEPARTMENT

In the Matter of the Application of
GREENIDGE GENERATION LLC,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules

-against-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, and ACTING COMMISSIONER SEAN
MAHAR, In his Official Capacity as Acting Commissioner,

Respondents-Appellees,

SENECA LAKE GUARDIAN, THE COMMITTEE TO PRESERVE
THE FINGER LAKES, and SIERRA CLUB

Intervenors-Appellees.

**STIPULATION
WITHDRAWING
APPEAL**

CA 25-00153

IT IS HEREBY STIPULATED by the parties, that the appeal to the Supreme Court, Appellate Division, Fourth Department filed by Notice of Appeal dated December 13, 2024 and filed on January 30, 2025 with the Appellate Division, Fourth Department, which appealed from a Decision and Order of New York Supreme Court, Yates County (Hon. Vincent M. Dinolfo), dated November 14, 2024 and entered on November 14, 2024, is hereby withdrawn and discontinued with prejudice and without further costs or attorneys' fees to any party as against the other.

This Stipulation of withdrawal and discontinuance of the Appeal in the above-captioned matter may be filed without further notice with the Clerk of the Court.

Dated: _____, 2025

LETITIA JAMES
Attorney General
State of New York
Attorney for State Respondents

By: _____
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By: _____
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Seneca Lake Guardian

EARTHJUSTICE

By: _____

Mandy DeRoche, Esq.

Lisa Perfetto, Esq.

Charles McPhedran, Esq.

Jessamine De Ocampo, Esq.

48 Wall Street, 15th Floor

New York, NY 10005

*Counsel for Intervenors-Respondents-
Respondents Seneca Lake Guardian, The
Committee to Preserve the Finger Lakes and
Sierra Club*

STIPULATION
Exhibit D

Fourth Department Motion to Withdraw Appeal

STATE OF NEW YORK :: SUPREME COURT
APPELLATE DIVISION :: FOURTH DEPARTMENT

In the Matter of the Application of
GREENIDGE GENERATION LLC,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules

-against-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, and ACTING COMMISSIONER SEAN
MAHAR, In his Official Capacity as Acting Commissioner,

Respondents-Appellees,

**NOTICE OF MOTION IN
SUPPORT OF MOTION FOR AN
ORDER PERMITTING
WITHDRAWAL OF APPEAL**

Docket No.: CA 25-00153

-and-

SENECA LAKE GUARDIAN, THE COMMITTEE TO PRESERVE
THE FINGER LAKES, and SIERRA CLUB,

Intervenors-Appellees.

Pursuant to § 1000.18(b) of Part 1000 of the Rules of the Supreme Court, Appellate Division, Fourth Department, § 1250.2(b) of Part 1250 of the Practice Rules of the Appellate Division, and on the accompanying Affidavit of Yvonne E. Hennessey, sworn to October ____, 2025, with annexed Exhibits, Petitioner-Appellant will move this Court on _____, 2025, at 10:00 A.M. for an order withdrawing Petitioner-Appellant's appeal from the lower court's (Supreme Court, Yates County, Hon. Vincent M. Dinolfo, J.S.C.) Order dated November 14, 2024 and entered on November 14, 2024, which granted in part and denied in part Petitioner-Appellant's hybrid Article 78 Petition.

Dated: _____, 2025

Yvonne E. Hennessey, Esq.
BARCLAY DAMON LLP
80 State Street
Albany, New York 12207
(518) 429-4293
*Attorneys for Petitioner-Appellant
Greenidge Generation LLC*

TO:

STATE OF NEW YORK :: SUPREME COURT
APPELLATE DIVISION :: FOURTH DEPARTMENT

In the Matter of the Application of
GREENIDGE GENERATION LLC,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules

-against-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, and ACTING COMMISSIONER SEAN
MAHAR, In his Official Capacity as Acting Commissioner,

Respondents-Appellees,

**AFFIDAVIT IN SUPPORT OF
MOTION FOR AN ORDER
PERMITTING WITHDRAWAL
OF APPEAL**

Docket No.: CA 25-00153

-and-

SENECA LAKE GUARDIAN, THE COMMITTEE TO PRESERVE
THE FINGER LAKES, and SIERRA CLUB,

Intervenors-Appellees.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:

Yvonne E. Hennessey, being duly sworn, deposes and says:

1. I am an attorney at law duly licensed to practice in the state of New York and am a member of the law firm of Barclay Damon LLP, attorneys for Petitioner-Appellant, Greenidge Generation LLC ("Greenidge"), in the above-entitled appeal.

2. This affidavit is submitted in support of Greenidge's motion for an Order permitting the withdrawal of its appeal from the Order of Supreme Court, Yates County (Hon. Vincent M. Dinolfo) dated November 14, 2024 and entered on November 14, 2024 ("the Decision"), which granted in part and denied in part the Verified Petition and Complaint filed by

Greenidge in the underlying hybrid Article 78 proceeding. Among other things, the Supreme Court annulled the Final Decision of the Administrative Law Judge and remitted the matter to New York State Department of Environmental Conservation and then Acting Commissioner Sean Mahar (“NYSDEC”) “for further proceedings consistent with this Decision.” A copy of the Order is attached hereto and made a part hereof as **Exhibit A**.

3. On December 13, 2024, Greenidge timely filed its Notice of Appeal. Greenidge perfected its appeal on June 13, 2025. A copy of Greenidge’s Notice of Appeal is attached hereto and made a part hereof as **Exhibit B**.

4. Greenidge appealed the Decision to the extent it found that NYSDEC had the authority to deny Greenidge’s Title V air permit renewal application under Section 7(2) of the Climate Leadership and Community Protection Act. *See* Exhibit B.

5. On a parallel track, while the Appeal was pending, the Part 624 administrative process continued in accordance with the Decision.

6. Subsequently, Greenidge and NYSDEC entered into a Settlement Agreement thereby mooted the issues presented in Greenidge’s appeal.

7. As part of the Settlement Agreement, the parties agreed, among other things, that NYSDEC shall issue a draft Title V Renewal Permit to Greenidge for the Greenidge Generating Station and, after appropriate public process, issue a final Title V permit, at which time the administrative Proceedings shall be concluded.

8. Also as part of the Settlement Agreement, Greenidge and NYSDEC agreed that Greenidge would discontinue its appeal. Thus, the instant motion to withdraw Greenidge’s appeal is made on consent from NYSDEC.

9. Your deponent also sent correspondence to counsel for Intervenor-Respondents, Seneca Lake Guardian, The Committee to Preserve the Finger Lakes and Sierra Club (hereinafter "Intervenor") requesting that Intervenor consent to the withdrawal of Greenidge's appeal.

10. Inasmuch as the issues presented in Greenidge's appeal have now been fully resolved through settlement thereby rendering Greenidge's appeal moot, Greenidge now moves for an Order permitting the withdrawal of the appeal.

11. As of the date of this Affidavit, counsel for the Intervenor has declined to stipulate to the withdrawal of Greenidge's appeal. Accordingly, and pursuant to § 1250.2(b) of Part 1250 of the Practice Rules of the Appellate Division, I submit the instant motion to stipulate to the withdrawal of Greenidge's appeal.

12. Accordingly, Greenidge respectfully requests an Order permitting the withdrawal of its appeal from the Order entered November 14, 2024, and for such other and further relief as this Court deems just and proper.

Yvonne E. Hennessey

Sworn to before me this _____
day of _____, 2025.

Notary Public