SUPREME COURT
STATE OF NEW YORK COUNTY OF TOMPKINS

In the Matter of the Application of

FLX STRONG by its President Kenneth Wolkin and CAYUGA LAKE ENVIRONMENTAL ACTION NOW by its President John V. Dennis,

Petitioners,

For a Judgment Under Article 78 of the Civil Practice Law and Rules,

vs.

TOWN OF LANSING ZONING BOARD OF APPEALS, TERAWULF INC., CAYUGA OPERATING COMPANY LLC, LAKE HAWKEYE LLC, and FRED DELFAVERO,

Respondents.

AFFIRMATION OF JOHN V. DENNIS

Index No.:

I, John V. Dennis, of legal age, affirm under penalty of perjury pursuant to N.Y. C.P.L.R. § 2106 the following:

1. I am a co-founder of Cayuga Lake Environmental Action Now ("CLEAN") and am the President of CLEAN's steering committee. I am also a member of FLX Strong.

2. I have worked on environmental issues for more than 30 years. I have experience in issues relating to water quality and have been involved in monitoring water quality in Cayuga Lake for several years.

3. CLEAN is an unincorporated environmental advocacy organization based in Lansing, New York, with its principal place of business located at 893 Cayuga Heights Road, Ithaca, New York 14850.

4. CLEAN was formed in 2017 for the purpose of protecting Cayuga Lake from the potential negative environmental impacts of industrial and commercial operations.

5. The Milliken Station site, which is owned by Cayuga Operating Company, includes a 42-acre unlined landfill and has a long history of industrial contamination. The data center's Environmental Assessment Form ("EAF") acknowledges that an inactive solid waste landfill is present at the site and that the former Milliken Station site has a history of spills, see Exhibit 1 to the Harold Mills Affirmation.

6. The legacy environmental impacts of the Milliken Station site and its associated coal ash landfill have been a focus of CLEAN's advocacy work since CLEAN was formed. CLEAN has invested extensive time and money protecting Cayuga Lake from the historical contamination that is known to be present at the site.

7. Before CLEAN was formed, as chair of the Environmental Review Committee of the Tompkins County Environmental Management Council—where I represented the Village of Lansing—I advocated for the Department of Environmental Conservation ("DEC") to implement a broader, more restrictive SPDES permit and to take additional cleanup and remediation measures at the Milliken Station site. I have met with the DEC's professional engineer who oversees the site and expressed concerns regarding these matters to a series of DEC Region 7 Regional Directors.

8. The proposed "Phase 1" of the data center project will be located immediately downgradient from the landfill. Any excavation and soil disturbance associated with the data center proposal risks mobilizing legacy contaminants into the surrounding environment and increases the risk of pollution to Cayuga Lake and to nearby residents.

9. According to the data center's EAF Part I, the data center's construction will involve grading and utility extension on the site footprint. Excavation of soils will be performed for building foundations and utility conduit areas.

10. The project proponent's consultant has provided additional information regarding what will likely be extensive site work. The consultant has acknowledged that the forested hillside where the 30-acre construction platform would be excavated is 12% wetlands. These wetlands will be removed or filled in as part of the development. In addition, the stream that doubles as the overflow drain for the 1.2-acre sedimentation pond, and which is known as SPDES Outfall 014 when it reaches Cayuga Lake, flows across the area where the project proponent proposes to build one of three large data center structures in Phase 1. The existing forest cover and potentially the stream would need be removed from an area with a 5%->15% slope that would need to be excavated and leveled to create a 30-acre building platform.

11. Phase 1 of the proposed new data center (138-150 MW) is expected to result in at least 27 acres of new impervious surface, which will likely result in greater stormwater flows from the site, increasing the likelihood of legacy contaminants being carried off in stormwater flows into the lake. Construction in this sloping area will increase erosion and the flow of sediment into the Lake.

12. If the water quality in Cayuga Lake is harmed or diminished by the site activities associated with the new data center, I am likely to be negatively impacted on a personal level. I regularly kayak and windsurf on the lake in areas south of the Milliken Station site during the warmer seasons. I am less likely to engage in these activities if the water quality of the Lake is harmed.

13. My wife owns a motorboat berthed at Don's Marina—which is located 2.2 miles north of the proposed project site—and during the summer months, we enjoy cruising on the lake including that portion of the lake next to Milliken Station, the proposed location of the data center.

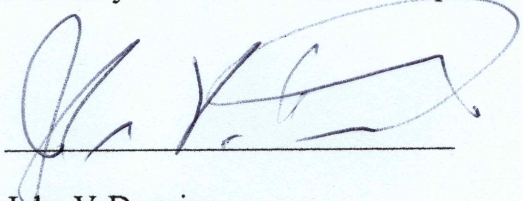
14. I also am concerned about the data center's impacts on the Cayuga Shores Wildlife Management Area, also known as Bell Station, which is one of my favorite local hiking spots. I visit there multiple times each year with my wife for hiking and bird-watching.

15. As described in the affirmation of CLEAN steering committee member, Brian Eden, CLEAN and its leadership played a role in establishing Cayuga Shores as a public amenity and protected resource.

16. The data center is proposed to be located less than 450 feet from Cayuga Shores. I would expect that the noise alone from the facility will have a harmful effect on the wildlife at Cayuga Shores and lessen my enjoyment of hiking there.

17. I have authorized this lawsuit to be filed as the President of CLEAN.

Pursuant to N.Y. C.P.L.R. 2106, I affirm this 28th day of January, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



John V. Dennis