



April 23, 2021

New York State Department of Environmental Conservation
Region 8 Headquarters
Attn: Guillermo R. Saar
6274 E Avon-Lima Rd.,
Avon, NY 14414
DEP.R8@dec.ny.gov

VIA EMAIL

Re: Seneca Lake Guardian: Comments on County Line Materials Recovery Facility, Application ID 8-4422- 00051/00001 and Request for a Public Hearing

Dear Mr. Saar:

We submit this comment on behalf of Seneca Lake Guardian asking the Department of Environmental Conservation (“DEC”) to reject the Part 360 permit application for County Line Materials Recovery Facility (“Proposed Facility”) in Cayuta, New York. We appreciate DEC’s decision to reopen the comment period for further public discussion on the Proposed Facility’s permit application and the Proposed Facility’s potential impacts on water quality, agricultural development, public health, and tourism. We request that the DEC hold a public hearing to give the public an opportunity to share concerns about the permit and the environmental ramifications of the Proposed Facility’s construction and operation.

Seneca Lake Guardian is an environmental non-profit whose mission is to preserve and protect the health of the Finger Lakes and surrounding residents from potential threats to their environment. Seneca Lake Guardian requests that DEC reject the Part 360 Permit application for the Proposed Facility because the leachate is likely to contain per-/poly-fluoroalkyl substances (“PFAS”) and there is no wastewater treatment facility that can legally accept PFAS-laden leachate without violating federal and state water laws. In addition, the Proposed Facility’s permit application fails to provide lawfully required information to ensure the Proposed Facility does not adversely impact wetlands or pollute stormwater runoff. Due to these potentially adverse impacts to water quality and human health, DEC must deny the permit application unless the Proposed Facility can demonstrate that it can lawfully and safely dispose of leachate without violating federal and state law. DEC must also impose monitoring and treatment obligations that direct the permit applicant to furnish legally mandated information before DEC approves the permit.

I. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHOULD PROHIBIT THE PROPOSED FACILITY FROM HAULING PFAS-CONTAINING LEACHATE TO A WASTEWATER TREATMENT FACILITY.

DEC must either reject the Part 360 permit application or impose conditions on the Proposed Facility's permit that require it to monitor and treat any PFAS in its leachate. The proposed engineering and operating plans for the Proposed Facility fail to prevent PFAS-laden leachate from entering surface waters and ultimately the drinking water system, in violation of the law.

A. Federal and State Law Prohibit the Unauthorized Discharge of Pollution from Waste Facilities into Waters.

Water and waste laws in New York work together to ensure that waste facilities do not pollute local waterways. The waste rules do not allow “any leachate to enter surface waters or groundwater except under authority of a State Pollutant Discharge Elimination System permit.” 6 NYCRR § 360.19(b)(2). State Pollution Discharge Elimination System permits prohibit “the discharge of any pollutant not identified and authorized by such permit.” N.Y. Env'tl. Conserv. Law § 17-0815(3). Likewise, federal water regulations prohibit an industrial facility from sending wastewater to a wastewater treatment facility if the wastewater contains pollutants that will “pass through” the wastewater treatment facility. 40 CFR § 403.5(a). Similarly, intermediaries like waste haulers cannot transfer waste to a receiving wastewater treatment facility not authorized to accept that type of waste. 6 NYCRR § 364-4.6(e). Taken together, these laws work to protect surface water, and ultimately drinking water, from pollutants in a waste facility's leachate.

B. The Proposed Facility Cannot Lawfully Dispose of Leachate Containing PFAS at Nearby Wastewater Treatment Facilities.

PFAS represent a large class of chemicals known to be hazardous to human health.¹ Because PFAS can contaminate surface waters and drinking water and PFAS has been found in wastewater leachate,² DEC must ensure that the Proposed Facility will not contribute PFAS to local surface waters or drinking water sources.

¹ PFAS is linked to a variety of adverse health effects, including cancer, elevated cholesterol, obesity, immune suppression, pre-eclampsia, impaired liver and kidney function, and endocrine disruption. Agency for Toxic Substances & Disease Registry (ATSDR), U.S. Dep't Health & Hum. Servs., *Toxicological Profile for Perfluoroalkyls: Draft for Public Comment* (June 2018), <https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf>;

² RJ Lee Group, PFAS in Waste: The Final Destination of Forever Chemicals, <https://static1.squarespace.com/static/54806478e4b0dc44e1698e88/t/5dab58c64e423579cf70dc0f/1571510472576/Behzadi-PFASinWaste-Destination-NEResiduals%26BiosolidsConference-18Oct2019.pdf>; Cheryl Hogue, US EPA Recommends Testing Wastewater for PFAS, *Chemical and Engineering News*, V.98 (Dec. 1, 2020), <https://cen.acs.org/environment/persistent-pollutants/US-EPA-recommends-testing-wastewater/98/i47>.

1. Because Leachate from Waste Facilities Has Been Found to Contain PFAS, DEC Should Assume the Proposed Facility’s Leachate May Contain PFAS.

Disposal of waste is a major pathway for PFAS discharges into drinking water and may create “repeated cycles of contamination.”³ Studies have found PFAS in leachate,⁴ and landfill leachate contributes PFAS to municipal wastewater.⁵ This is especially true for facilities that handle municipal solid waste and construction and demolition debris, two types of waste where PFAS based products are commonly present.⁶ Because PFAS is a known pollutant found in leachate from waste facilities, it is likely that leachate from the Proposed Facility will contain PFAS. DEC should therefore assume that the leachate from the Proposed Facility may contain PFAS and should take appropriate steps to ensure that PFAS from the Proposed Facility does not enter local waters.

2. New York’s Wastewater Treatment Facilities are Not Equipped to Lawfully Accept Wastewater Containing PFAS.

Despite the rising concern of PFAS in drinking water, wastewater treatment facilities in New York are not yet using technology that would remove PFAS from wastewater before discharging it into surface waters. Likewise, none of the wastewater treatment facilities in New York is currently authorized to discharge PFAS from its Proposed Facility. If a wastewater treatment facility accepts industrial waste containing PFAS, those pollutants will pass through the treatment works, in violation of federal and state law. 40 CFR § 403.5(a)(1); N.Y. Env’tl. Conserv. Law § 17-0815(3).

3. Industrial Discharges Need Prior Permission to Send Wastewater to a Wastewater Treatment Facility.

Industrial dischargers, like the Proposed Facility, must receive prior permission to send their wastewater to a wastewater treatment facility. Specifically, an industrial discharger must disclose the pollutants present in the wastewater before the wastewater treatment facility will accept the industrial waste. *See* 40 CFR § 403.8 (f)(2) (“The POTW shall develop and implement

³ Tasha Stoiber, Sydney Evans, Olga Naidenko, Chemosphere: Disposal of Products and Materials containing PFAS: A Cyclical Problem, V.260 (Dec. 2020).

⁴ Jason R. Masoner et al., “Landfill leachate contributes per-/poly-fluoroalkyl substances (PFAS) and pharmaceuticals to municipal wastewater,” *Environmental Science: Water Resource and Technology*, June 2020, <https://pubs.rsc.org/en/content/articlelanding/2020/ew/d0ew00045k#!divAbstract> (“Leachate has been reported to contain substantially elevated concentrations of organic chemicals, such as PFAS (*e.g.*, perfluorooctanoic acid (PFOA); perfluorohexanoic acid (PFHxA); perfluoroheptanoic acid (PFHpA); perfluorooctanesulfonate (PFOS); perfluorohexanesulfonate (PFHxS); and methyl perfluoropentane sulfonamido acetic acid (MeFPeSAA)), prescription pharmaceuticals (*e.g.*, amphetamine, carbamazepine, carisoprodol, and pentoxifylline), nonprescription pharmaceuticals (*e.g.*, cotinine, lidocaine, and nicotine), bisphenol A, and non-volatile dissolved organic carbon (NVDOC).”).

⁵ *Id.*

⁶ Env. Working Group, *Feeding the Waste Cycle: How “Disposal” Perpetuates Contamination* (Aug. 20, 2020) <https://www.ewg.org/news-insights/news/feeding-waste-cycle-how-pfas-disposal-perpetuates-contamination> (“Municipal solid waste includes a mixture of PFAS-containing consumer items, such as food packaging materials, food wares, stain- and water-resistant upholstery, textiles, clothes and carpets either treated or manufactured with PFAS. PFAS are also present in construction and demolition wastes.”)

procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:...(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users...”). Having the wastewater hauled from an industrial facility to a wastewater treatment facility does not bypass these requirements. Wastewater treatment facilities require a waste hauler to identify the source of its wastewater and require prior approval before they will accept non-hazardous industrial wastewater.⁷ A wastewater treatment facility must then set monitoring requirements and limits, even prohibiting certain pollutants, in order to comply with its own SPDES permit and the requirements of the federal pretreatment program. 40 C.F.R § 403.5(c)(1).

4. DEC Should Deny the Permit Application Because No Wastewater Treatment Facility in Central New York Can Legally Accept the Proposed Facility PFAS-Containing Leachate.

Given the likelihood of the Proposed Facility’s leachate containing PFAS, DEC cannot approve the application without ensuring the Proposed Facility can legally dispose of its leachate. Since the Proposed Facility cannot lawfully dispose of its leachate due to the absence of a local wastewater facility capable of treating it, DEC must deny the Proposed Facility’s application for a permit.

II. DEC SHOULD REJECT THE APPLICATION BECAUSE IT FAILS TO IDENTIFY A WASTEWATER TREATMENT FACILITY OR WASTE HAULER AUTHORIZED TO DISPOSE OF ITS LEACHATE.

DEC must require the applicant to provide information on where it will dispose of the leachate before DEC can approve the application or it should deny the permit.

A. New York Solid Waste Laws Require Applicants to Provide Information Demonstrating the Applicants’ Plans for Safe Leachate Disposal.

Under New York law, in order to obtain a solid waste management permit, the applicant’s operations and maintenance plan must describe the “method and location used for disposal of the leachate.” 6 NYCRR § 360.16(c)(4)(ii)(e). The applicant must also provide a waste control plan verifying that the selected facility where it plans to have its leachate hauled is authorized to and will accept it. 6 NYCRR § 360.16(c)(4)(i)(c).

B. The Application Fails to Meet Legal Requirements Regarding Leachate Disposal.

With regard to leachate, the application states only that “leachate may be drained within the trailer way to the approved holding tank for proper disposal.”⁸ This vague description fails to identify legally required information: (1) the method and location for leachate disposal and (2) proof that the receiving facility is authorized to accept the waste.

⁷ See Ithaca Area Wastewater Treatment Facility Waste Hauler Application, <https://www.cityofithaca.org/DocumentCenter/View/11639/Haulers-Permit-Application->

⁸ County Line Materials Recovery Facility Operation & Maintenance Plan at 5.

C. The Applicants' Plan to Dispose of "Process Wastewater" Fails to Meet Legal Requirements for Leachate Disposal.

The application confusingly suggests that "[w]astewater will be pumped out and disposed at a local wastewater treatment facility" while "[p]rocess water will be pumped by Clean Earth Septic Service LLC and taken to Thompkins County Water Treatment."⁹ While it is unclear exactly what water the applicant refers to as "process water," we assume the applicant is using the terms "leachate" and "process water" interchangeably.

1. "Thompkins County Water Treatment" Is Not Permitted to Discharge Wastewater.

Our review of state records does not identify a facility called "Thompkins County Water Treatment" that holds an SPDES permit or operates a pretreatment program authorizing it to accept industrial wastewater. Identification of "Thompkins County Water Treatment" as the facility to receive "process wastewater" fails to meet the legal requirement of identifying a facility that will legally accept the leachate. 6 NYCRR § 360.16(c)(4)(i)(c).

2. Clean Earth Septic Service is Not Permitted to Discharge PFAS-Containing Leachate to Any Wastewater Treatment Facility.

The applicant provided no information demonstrating that Clean Earth Septic Service, a septic hauler, is authorized to haul industrial wastes to any local wastewater treatment facility. Clean Earth Septic Service does have a permit from the Ithaca Area Wastewater Treatment Facility to haul septic wastes to the Ithaca Area Wastewater Treatment Facility. Clean Earth Septic Service's waste hauler permit does not authorize it to bring PFAS-containing leachate to the Ithaca Area Wastewater Treatment Facility. This hauling permit also specifies that Clean Earth Septic Service must receive prior approval before hauling non-hazardous industrial waste to the Ithaca Area Wastewater Treatment Facility.

In order to receive permission from the Ithaca Area Wastewater Treatment Facility to send PFAS-containing wastewater to the Ithaca Area Wastewater Treatment Facility, Clean Earth Septic Service must disclose the nature of the pollutants anticipated in the wastewater.¹⁰ *See* 40 CFR § 403.8 (f)(2) (requiring the POTW to: (ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users....") Additionally, Clean Earth Septic Service would need to monitor the pollutants in the actual waste and disclose that information to the wastewater treatment facility regularly. *See* 40 CFR § 403.8 (f)(2)(ii).

⁹ County Line Materials Recovery Facility Engineering Report at 4.

¹⁰ Ithaca Area Wastewater Treatment Facility Waste Hauler Application, <https://www.cityofithaca.org/DocumentCenter/View/11639/Haulers-Permit-Application->

3. The Ithaca Area Wastewater Treatment Facility is Not Permitted to Discharge PFAS and Cannot Accept PFAS-Containing Wastewater from Clean Earth Septic Service.

The Ithaca Area Wastewater Treatment Facility's SPDES permit does not authorize it to discharge PFAS into Cayuga Lake. Further, the Ithaca Area Wastewater Treatment Facility does not have the capability to remove PFAS from wastewater before discharging it to Cayuga Lake. The Ithaca Area Wastewater Treatment Facility therefore cannot legally accept industrial wastewater containing PFAS from the Proposed Facility without violating federal law prohibiting "pass through" and its own SPDES permit, which prohibits discharging pollutants other than those explicitly authorized in its SPDES permit.

4. PFAS Discharges from the Ithaca Area Wastewater Treatment Facility Will Likely Harm Drinking Water.

The Ithaca Area Wastewater Treatment Facility discharges into Cayuga Lake, a drinking water source for 40,000 people. PFAS contamination in drinking water can harm public health and violate the law. Specifically, New York recently adopted Maximum Contaminant Levels for PFOA and PFAS (two chemical compounds with the PFAS class). If the Ithaca AREA Wastewater Treatment Facility discharges PFAS into Cayuga Lake, it could cause violations of the Maximum Contaminant Levels at the nearby Bolton Point Water Treatment Facility.

5. DEC Cannot Approve the Permit Until the Applicant Demonstrates It Can Safely and Lawfully Dispose of its Leachate.

DEC cannot approve a plan to haul the Proposed Facility's leachate to the Ithaca Area Wastewater Treatment Facility unless the applicant first demonstrates that leachate from the Proposed Facility does not contain PFAS. Further, DEC cannot sanction a plan for the leachate to be hauled by Clean Earth Septic Service until the waste hauler complies with the relevant law by disclosing the character and volume of pollutants in the leachate and securing prior approval from a facility to haul the Proposed Facility's wastewater there. Unless the Proposed Facility demonstrates in its permit application that there is a waste hauler and wastewater treatment facility legally authorized to haul and handle the leachate, DEC should deny the application.

III. THE APPLICATION LACKS REQUIRED INFORMATION ON THE PROPOSED FACILITY'S IMPACTS ON WETLANDS AND STORMWATER DISCHARGES.

A. DEC Must Deny the Permit Since Proposed Facility's Application Does Not Provide Legally Required Information on Wetland Impacts.

DEC should not approve the Proposed Facility's permit application until the applicant identifies all wetlands on the property and demonstrates in its application that the Proposed Facility will not impact wetlands. New York Law sets forth several permitting requirements to protect wetlands from the impact of waste management facilities. The law prohibits the siting of a new or expanded facility "within the boundary of either state or federally regulated wetlands" unless the applicant obtains the "required permits." 6 NYCRR § 360.8(c). To obtain a waste

management facility permit, the Proposed Facility must provide information that allows DEC to “ascertain the potential environmental impacts” on wetlands. 6 NYCRR §§ 360.16(b); *see also* 6 NYCRR § 360.8(c). This includes identifying wetlands in its site map affected by the Proposed Facility’s construction or operations. 6 NYCRR § 360.16(c)(2)(iii)(a).

The Proposed Facility’s permit is incomplete because it failed to identify where the wetlands are located or assess the Proposed Facility’s wetlands impacts. In its application, the permit applicant admits that federally regulated wetlands are present on its property but fails to identify them on the site plan map submitted to DEC and does not include the total acreage of wetlands present.¹¹ Without knowledge of the total wetlands on the premise and where the wetlands are located, it is impossible to accurately assess potential wetlands impacts. By withholding data and analysis on the amount of wetlands, wetlands location, or impact to wetlands, the Proposed Facility has frustrated DEC’s ability to determine whether a federal permit is required for the project.

B. DEC Should Deny the Application Because It Fails to Contain Sufficient Information about Stormwater and Fails to Justify A No Exposure Certification.

Stormwater runoff from a solid waste management facility can lead to significant pollution to local waterways if improperly controlled. The Proposed Facility’s application indicates its intent to seek a No Exposure certificate for its operations. However, the Proposed Facility, as designed, will potentially lead to significant amounts of polluted stormwater runoff.

1. The Proposed Facility, As Designed, Includes Pollutant Exposure Pathways for Stormwater.

The Proposed Facility’s plan involves receiving waste from 63 vehicles per day, including “roll-off container transfer trucks, front & rear packers, pickup trucks & trailers.”¹² Many of these vehicles allow waste to be exposed to the elements during transport and are likely to leak liquid waste onto the facility’s driveway as they queue to wait to unload their materials. Any pollutants leaked onto the driveway will be transported through the stormwater at the next rain event. DEC’s No Exposure Certificate requires a facility to certify under penalty of law that there will be no “materials or residuals on the ground or in stormwater inlets from spills/leaks” and that no “materials or products during loading/unloading or transporting activities” will be “exposed to precipitation.”¹³ The Proposed Facility cannot make these certifications based on its current facility operation plan as described in its application.

2. The Applicant Must Seek Coverage under an Industrial Stormwater Permit.

Because the Proposed Facility, as designed, is likely to produce polluted stormwater runoff, the Proposed Facility must apply for coverage under the general industrial stormwater

¹¹ County Line MRF LLC, Application for a Solid Waste Management Facility Permit Engineering Report at 14. (Oct. 2020); County Line MRF LLC, Revised Application for a Solid Waste Management Facility Permit Engineering Report Pt. 2 at 2 Appx. C2, (March, 2021).

¹² County Line MRF LLC, Engineering Report at 6.

¹³ No Exposure Certification Form https://www.dec.ny.gov/docs/water_pdf/noexposure.pdf

permit and demonstrate that it will reduce polluted stormwater to the maximum extent practicable. The Proposed Facility should identify within its application how stormwater will be routed on the property and include its Stormwater Pollution Prevention Plan to demonstrate that it will employ Best Management Practices to prevent polluted runoff from exiting the facility.

3. Information Provided in the Application Is Incomplete and Fails to Demonstrate How The Proposed Facility Plans to Manage Stormwater from the Facility.

The application drawings indicate a “Stormwater Forebay” and a “Stormwater Basin,” without indicating where the runoff will be released. A “stormwater basin” is an engineered stormwater facility designed to retain and slow the water to reduce pollutants and allow the stormwater to be released through an outlet to a stream or waterbody. The application fails to indicate any engineered aspects of the stormwater basin.¹⁴ If the applicant intends to have the stormwater merely percolate into the ground, it should indicate the storm intensity for which the stormwater facilities are designed and also provide information demonstrating that the type of soils included in the ground at the stormwater basin would provide sufficient pollutant removal to ensure that the groundwater below the basin would not be contaminated. If the Proposed Facility cannot show this, it should be required to build an engineered stormwater basin with engineered soils that will ensure sufficient pollutant removal to avoid contaminating local drinking water wells.

IV. DEC MUST REQUIRE ANNUAL ENVIRONMENTAL MONITORING THROUGHOUT THE LIFE OF THE PROPOSED FACILITY AND POST-CLOSURE.

To assure the Proposed Facility does not pose adverse impacts to the environment, DEC must impose environmental monitoring for the construction, operation, closure, and post closure of the Proposed Facility as a mandatory condition before it approves the permit. New York Law requires environmental monitoring when an applicant’s “compliance history or past practices...over the past five years reveals an inability or unwillingness to comply with environmental laws and regulations.” 6 NYCRR § 360.20(a)(2). Evidence of noncompliance includes the “issuance of a Commissioner's decision or judgment finding one or more violations.” 6 NYCRR § 360.20(a)(2). Monitoring is also required if the Proposed Facility’s “current practices...indicate that significant adverse environmental or health impacts are likely to occur.” 6 NYCRR § 360.20(a)(3). Environmental monitoring is necessary here because of the Proposed Facility’s prior violation of the law and its potential to cause significant harm to the environment and to health.

The potential for PFAS to contaminate drinking water and adversely impact human health warrants additional monitoring. DEC must impose permit obligations that direct the Proposed Facility to routinely inspect its leachate collection system for the presence of PFAS. Without routine testing, the Proposed Facility cannot detect PFAS in the wastewater it generates. DEC should also require the Proposed Facility to treat the leachate that contains PFAS before transferring it for disposal as no local wastewater treatment facilities in its vicinity can currently remove PFAS from wastewater.

¹⁴ See County Line MRF LLC, Application for a Solid Waste Management Facility Permit at C7.

Moreover, the Proposed Facility’s past and present operations warrant the need for environmental monitoring. Even before DEC approved the permit for the proposed facility, DEC found the facility in violation of the law for initiating construction without a valid permit.¹⁵ The Proposed Facility’s noncompliance strongly suggests that the applicant is unwilling or unable to follow the environmental laws governing the operation of the Proposed Facility.

V. DEC SHOULD HOLD A PUBLIC HEARING BECAUSE THERE IS SIGNIFICANT PUBLIC INTEREST IN THE PROPOSED FACILITY.

Seneca Lake Guardian requests that DEC hold a public hearing so that the public can thoroughly review and comment on the Proposed Facility’s permit application. Under New York State Law, once the DEC receives a complete permit application for a major project, the agency must determine whether to hold a public hearing. 6 NYCRR § 621.8(a). To make this determination, DEC “must consider” whether there is a “significant degree of public interest” to warrant a hearing. 6 NYCRR § 621.8(c)(1).

A public hearing for the Proposed Facility should be held because there is a significant degree of public interest in this major project. Members of the public, including Seneca Lake Guardian, have voiced significant objections to the Proposed Facility.¹⁶ Federal and local public officials have also joined the public to vocalize their opposition to the Proposed Facility. In October 2020, the Schuyler County Legislature passed Resolution No. 217 opposing the approval of the permit until the DEC conducts a “full, fair, and exhaustive environmental review” of the Proposed Facility.¹⁷ Subsequently, in February 2021, U.S. Senators Schumer and Gillibrand jointly submitted a letter to the Army Corps of Engineers imploring the Corps to conduct “a full-scale environmental impact study of the proposed facility to ensure that the local economy and quality of life for the community comes first and foremost.”¹⁸ In the letter, the Senators highlighted the importance of government transparency and the need for public involvement explaining that “residents of Schuyler County must know any potential risks the proposed materials recovery and waste transfer facility will have on local water quality.”¹⁹ The important concerns raised by New York residents and their elected representatives demonstrate that there is a significant degree of public interest in the Proposed Facility’s environmental impacts to warrant a public hearing.

CONCLUSION

DEC should deny the Proposed Facility’s Part 360 Permit or withhold the issuance of the permit until the applicant satisfies the legal requirements for a permit and assures the public that its management of leachate does not pose a significant risk to the environment and human health.

¹⁵ See Attachment 1: NY State Dep’t. of Enviro. Conservation, Div.of Water, Region 8, Notice of Violation (Oct. 5, 2020).

¹⁶ See Attachment 2: Seneca Lake Guardian Comment dated Sept. 24, 2020.

¹⁷ See Attachment 3: Schuyler County Legislature, Resolution No. 217, Oct. 13, 2020.

¹⁸ See Attachment 4: Sens. Gillibrand and Schumer, Letter to Army Corps of Engineers, dated February 21, 2021. <https://www.gillibrand.senate.gov/news/press/release/schumer-gillibrand-urge-army-corps-of-engineers-to-evaluate-environmental-risks-of-proposed-waste-transfer-facility-near-seneca-lake>

¹⁹ *Id.*

DEC should require the applicant to show its disposal plan complies with federal and state water and waste laws and disclose leachate disposal information in its permit as required under state law. DEC must also impose monitoring and treatment obligations on the Proposed Facility to ensure that PFAS laden leachate is lawfully disposed. DEC should also direct the applicant to submit additional information on impacts to wetlands and stormwater. Further, DEC should impose mandatory environmental monitoring of the facility. Together these measures will provide meaningful protections to prevent the facility from contaminating water and impairing the environmental health of the Finger Lakes region. We look forward to discussing these issues with you further at an upcoming public hearing.

Respectfully submitted,

Jill Heaps
Sophia Jayanty
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
jheaps@earthjustice.org
sjayanty@earthjustice.org

On behalf of Seneca Lake Guardian