

WATERLOO CONTAINER

company

Supplier of Wine Bottles, Caps, Corks and Closures

2311 NYS Route 414, P.O. Box 262, Waterloo, NY 13165

Tel: 315-539-3922 Fax: 315-539-9380

www.waterloocontainer.com

Dareth Glance, Deputy Commissioner,
New York State Department of Environmental Conservation

Dear Dareth,

Please accept this letter as a follow up to our conversation of 6/10/2022. It was kind of you and Tim Walsh to visit our facility and spend time with us. Your appreciation and concern for the incidences of gaseous odors entering our facility was most appreciated.

We were adamant that we needed to determine what substance(s) we were exposed to which caused some of us to become ill. We sought assistance from your agency as well as help from the Seneca County Health Department. The SCHD reached out to the NYSDOH and the Bureau of Toxic Substances Administration. Unfortunately, no answers to our dilemma were forthcoming. It was recommended by all agencies that we have our plumbing infrastructure professionally inspected. We followed everyone's advice and had our plumbing professionally inspected at a personal expense near \$10,000. C & S Engineers confirmed that there are no internal or external issues with our plumbing.

During your visit, we discussed the gas/odor issue we'd been having in our facility and within the area as multiple business owners experienced the same incidence. The Seneca County Health Director stated, "While final results of this investigation are pending, we did confirm your allegation that sewer odors were at least occasionally present inside several locations that are connected to the municipal sewer line that serves Waterloo Container Company during the period late April to early May 2022."¹ "We are aware that you have been in communication with representatives of the Department of Environmental Conservation (DEC). They do have the primary jurisdiction to respond to your complaints and to address them with both the Town of Seneca Falls, the owner/operator of the sewer line in question, as well as Seneca Meadows, to which you attribute as the source of the problem. It is our understanding that DEC will be addressing these issues with the Town and Seneca Meadows within the scope of their permit and authority."²

In our seemingly unending quest for answers, we foiled communications records between SMI, the Town of Seneca Falls, B&L and DEC where the issue is referenced multiple times as "The H2S odor issue". These quotes stuck out, "You note that fouling has occurred in the permeate tanks and degasser."³ and referring to the quote, "Fouling was found on the ROCHEM RO degasser media which was removed and disposed of. This fouling may have contributed to H2S odors in the ROCHEM RO permeate discharges."⁴ We were surprised, and ultimately dismayed to discover that your agency held some of the answers that we required, and at the very least, information that would have given us some piece of clarity. SMI notified your agency on 7/7/2022 that, "Below are the answers to your questions. Also attached is our response letter to the Town of Seneca Falls

¹ Scott King, Director of the Seneca County Health 5/20/2022

² Scott King, Director of the Seneca County Health 5/20/2022

³ Eric Pond B&L letter to SMI 6/1/2022

⁴ David Pannucci(SMI) in his letter to the town on 6/1/2022

addressing H2S Concerns in the Sanitary Sewer, Monthly permeate analytical data, and the monthly permeate discharge volumes.”⁵ Your failure to notify us of such basic information in your possession of what we were most likely exposed to is disheartening, now knowing it was high levels of H2S is very disturbing to us and we are at a loss. The DEC received this information nearly a month after we met in-person. You seemed concerned, but clearly never made us aware of what was going on. We asked the health department multiple times to help us find answers, they told us to go to the DEC, we did, and here we are. Still in the dark.

We’ve recently learned about the newly installed “evaporator” at SMI. A Foiled email between SMI and DEC states, “The Evaporator System has been running since June 1, 2022. We have been running raw leachate only through the evaporator.”⁶ To our knowledge, the evaporator caught on fire recently and has been shut down since. Has the DEC or the Town been made aware of this as well? On another note, in a good faith effort, Supervisor Mike Ferrara requested that, “Testing for the above parameters shall occur on a weekly basis with all results promptly sent to the town”⁷ (*including H2S*), yet SMI responds that, with respect to H2S formation that, “results will be informational rather than used for compliance purposes.”⁸ This statement alone is cause for concern.

What we need is your help in this matter, we need transparency, we need answers. We’re not looking to say “gotcha” we’re looking to protect our employees. Clearly there was a public health tragedy which may have affected even more businesses and citizens downstream who may be unaware that any of this even took place. Given everything, including ongoing problems with the ROCHEM system for years paired with Kyle Black from SMI admitting that prior to the RO, raw leachate was being dumped into the sewer system, shouldn’t the DEC require the town to halt the flow of leachate until our representatives can keep us safe? The levels of H2S from the leachate that our employees were exposed to during that time from a concentration perspective was high enough to make some become ill. We also know that other employees from other business experienced nausea and severe headaches as well. It remains unknown as to the actual level of exposure and as a result required daily testing should occur to prevent this from ever taking place again in Seneca Falls. Lastly, what are the short- and long-term negative effects of that exposure to the H2S gas from the leachate in the sanitary system which affected multiple downstream users?

Regrettably,



Bill Lutz, President.

⁵ Email from SMI(William Neuman) to Mike Miles(DEC) 7/7/2022

⁶ Email from William Neuman(SMI) to Mike Miles (DEC) 7/7/2022

⁷ Mike Ferrara to David Pannucci 8/10/2022

⁸ David Pannucci in response to Mike Ferrara 8/25/2022