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December 7, 2022

Michael G. Murphy, Esq.  
Beveridge & Diamond  
477 Madison Avenue  
New York, NY 10022

**Re: *Your Cease and Desist Notice to Seneca Lake Guardian***

Dear Mr. Murphy,

This firm represents Seneca Lake Guardian, Inc., Yvonne Taylor and Joseph Campbell, and they have referred to us for reply your November 18, 2022 letter demanding that our clients remove what you contend are “wrongful statements from online media” and cease what you describe as “further defamatory conduct” regarding the proposed expansion of the Seneca Meadows Landfill by its operator, which we understand is wholly-owned and controlled by the publicly-traded company, Waste Connections, Inc.

Seneca Lake Guardian is exercising its lawful right to petition government agencies, participate in public hearings, and express its opinion in public media, to the New York State Department of Environmental Conservation and to the elected representatives of the Finger Lakes Region that the Seneca Meadows Landfill should no longer be permitted to operate and Seneca Lake Guardian will not be dissuaded in these endeavors by your client’s attempts to threaten and bully them into silence (see, New York Civil Rights Law Sections 70-a and 76-a).

Seneca Lake Guardian is a grass-roots, publicly-supported non-profit corporation committed to the preservation and protection of the environment in the Finger Lakes region of New York State and has announced that one of its priorities is the cessation of operations of the largest landfill in New York State, the Seneca Meadows Landfill, which is located in Seneca Falls, NY, by 2025.

Seneca Lake Guardian is actively participating in the public proceedings of the New York State Department of Environmental Conservation regarding your client’s pending permit application for a massive expansion of the Seneca Meadows Landfill which would allow it to continue in operation until 2040. Because our clients believe that the Seneca Meadows Landfill is,

among other things, a source of air and water pollution (as well as garbage odors) and that its continuing operation is inconsistent with the preservation and protection of the natural resources, tourism and agriculture in the Finger Lakes region, Seneca Lake Guardian is opposed to the landfill expansion and is urging the NYSDEC to deny the landfill expansion permit.

Our client understands that Seneca Meadows, Inc. and its parent company, Waste Connections, have a huge economic stake in this matter. The same was true with the Greenidge Generating bitcoin-mining operation on Seneca Lake that Seneca Lake Guardian petitioned State and federal environmental agencies to shut down due to its environmental impact. And, when Greenidge Generating—like your client-- threatened Seneca Lake Guardian for its opposition to the continued operation and expansion of that facility, Seneca Lake Guardian refused to be silenced. Recently, as you probably know, NYSDEC agreed with a number of Seneca Lake Guardian's contentions and denied the air emissions permit that would allow that facility to continue to operate. Seneca Lake Guardian fully expects that, ultimately, the Seneca Meadows Landfill will also be terminating its operations by 2025 due to its impacts in Seneca Falls, the Finger Lakes region, and the more distant environment.

The central theme of your client's claim seems to be that because NYSDEC has issued operating permits for the landfill, it cannot be the source of unacceptable adverse environmental impacts. If a NYSDEC permit means that there will be no unacceptable (indeed, disastrous) adverse environmental impacts, there would have been no PCBs in the Hudson River and so-called carcinogenic "forever chemicals" (e.g., PFAS) wouldn't have been in the Village of Hoosick Falls water supply.

Moreover, your client's self-serving contention that the landfill is not a source of harmful air contaminants and noxious odors isn't supported by the very documents that are attached to your letter. For example, the NYSDEC Community Air Screen Program report, dated March 17, 2019, Exhibit A to your letter, specifically references "odors from the Seneca Meadows Landfill which the community has experienced for many years." And, the one-hour ambient air sampling conducted on five days in June and July 2018 at two locations, one very close to the landfill and the other more distant, but in the Seneca Falls community, showed concentrations of three compounds classified by NYSDEC as "carcinogens" and Formaldehyde (the landfill gas energy facility reported to have emitted 140,000 pounds of Formaldehyde in 2017), each of which exceeded the NYSDEC "Annual Guidance Concentrations" or "AGCs", which NYSDEC describes as its "long-term health-based" guidance for air contaminants. And, while the samples were only taken over one-hour periods, there was no follow-up that our client is aware of by NYSDEC or the landfill operator to determine contaminant concentrations at the fence line of the landfill that are representative of longer-term exposures.

Specifically, regarding odor impacts, Exhibit D to your letter appears to document that there were approximately 350 odor complaints attributed to the landfill in the one-year period from June 2021 to July 2022, or about one per day. While your client represents that the landfill personnel dispatched to "investigate" only "confirmed" about two dozen of those complaints over that one-year period as being directly attributable to the landfill, it seems clear that there is a significant odor impact to the community which is prohibited by NYSDEC regulations as well as the Town Code. And, while your letter includes a complaint that Seneca Lake Guardian has stated

that “[Seneca Meadows] allows Trucks all through the night after hours to sit and rot with their stench over night before filling during operating hours”, your letter seems to concede that trucks do enter and remain at the landfill site (presumably idling their diesel engines) “outside the facility operational hours” until the landfill reopens, when the garbage can be dumped at the landfill.

The complaint in your letter that Seneca Lake Guardian is improperly asserting that “the landfill is polluting our water” is similarly unsupportable. Your letter seems to acknowledge that vast quantities of leachate are transported to off-site water treatment plants, but without mentioning that most of the leachate sent off-site is untreated, that at least some of the facilities to which it is transported do not provide treatment that can effectively remove all of the expected landfill leachate contaminants, and discharge these landfill leachate contaminants to waters that are used as a source of drinking water.

The complaint in your letter regarding methane emissions—widely acknowledged as a potent “greenhouse gas”—is also unsupportable. Your client concedes that it does not capture and “process” all of the methane that is released at the landfill and thereby contributes to the well-established and serious adverse impacts of climate change. Indeed, it seems that your client’s real gripe isn’t that there aren’t methane emissions from the landfill, but that Seneca Lake Guardian has failed to pat your client on the back for the steps it is required to take to mitigate, but not eliminate, the effects of those emissions.

Moreover, Seneca Lake Guardian rejects your client’s assertion that the landfill doesn’t have an adverse impact on the Finger Lakes region’s economy, including important tourism and agribusiness. Seneca Lake Guardian has previously established the adverse impact on the community character of the region associated with large and very visible industrial facilities, particularly those which are the source of odors, and air and water pollution. And, despite your client’s protestations, local businesses have publicly identified the landfill and the smell of garbage in the community as a factor inhibiting the ability to attract qualified employees to the area.

In sum, Seneca lake Guardian will not be threatened or bullied and will continue to raise these issues in the context of the pending permit modification proceedings as its first amendment right and subject to the protections afforded by New York’s Civil Rights Anti-SLAPP law, and will continue to urge the relevant government agencies and officials to not allow the landfill to continue to operate past 2025.

Please direct any further communications regarding this matter to the undersigned.

Very truly yours,



Philip H. Gitlen