



Tompkins County Legislature

Governor Daniel D. Tompkins Building
Ithaca, NY 14850

Meeting: 11/08/23 5:30 PM
Department: Tompkins County Legislature
Category: Environmental

DOC ID: 11981 B

**RESOLUTION NO. 2023-235
(ID # 11981)**

Resolution Urging Governor Hochul and the New York State Department of Environmental Conservation (DEC) to Protect Cayuga Lake Water Quality by Requiring of Cargill Salt Mine a Full Environmental Review, a Closure Plan, and a Surety Bond to Ensure Safe Closure

WHEREAS, only 0.5% of the Earth's water is freshwater available for human consumption and agriculture, and our very limited reserves are being diminished by overuse, contamination, and drought, and

WHEREAS, Cayuga Lake is the primary source and/or backup source for nearly 100,000 watershed residents, including municipal systems serving Seneca Falls, Wells College/Village of Aurora, and much of Tompkins County, and

WHEREAS, Cayuga Lake provides world-class opportunities for recreation and tourism vital to our local economies, and is a critical part of the Finger Lakes' \$3 billion, 60,000 employee tourism economy that depends on maintaining the health of the water, and

WHEREAS, both the New York State Office of General Services and the New York State Department of Environmental Conservation (DEC) have stewardship responsibilities for the public lands of New York State, and

WHEREAS, salt mining beneath Cayuga Lake began before the adoption of the State Environmental Quality Review (SEQR) Act in 1978 and salt mine operations had been permitted over time with minimal environmental review, and

WHEREAS, safety concerns are founded on the collapse of the Retsof Mine in Livingston County, NY in 1994, and the salinization of that county's lower aquifer as a result, and

WHEREAS, when Cargill Salt Mine applied to renew its operating permit in 1997, the community strongly advocated that the DEC conduct a thorough environmental review by requiring an Environmental Impact Statement (EIS), and

WHEREAS, all of the criteria governing the decision to require an EIS were met at the Cayuga Salt Mine: the failure of the Retsof mine and resulting contamination, the scope of the impact if such an event were to occur beneath Cayuga Lake, and the potential for contaminating the waters of Cayuga Lake, and

WHEREAS, Cargill insisted it was not subject to NYS authority, and instead of an EIS, it agreed to provide an Enhanced Environmental Assessment (EEA), but would only do that if the DEC agreed to keep almost all data and records confidential, and

WHEREAS, the administrative record in the subsequent years has continued to reflect the lack of environmental transparency, with the DEC denying FOIL requests and rejecting calls for an EIS, and

WHEREAS, it is quite possible that the mine will someday fill with water, therefore a study is needed to determine the timeframe over which such flooding could happen, the extent of the damage that could be caused, methods of preventing or mitigating such occurrence, and projected costs that would be incurred, and

WHEREAS, Cargill may now be positioning itself to sell the mine, a triggering event that the DEC should use to establish and enforce Cargill's accountability for the long-term safety of Cayuga Lake regardless of future ownership of the mine, therefore be it

RESOLVED, That the Tompkins County Legislature urges Governor Hochul and the New York State Department of Environmental Conservation require a full, independent, and public environmental review of the mine's operations assessing their long-term potential impact on a valuable, publicly owned natural resource,

RESOLVED, further, That as required by the Mined Land Reclamation Law, but not yet required of Cargill by the DEC, the Tompkins County Legislature urges an end-of-life plan must be required and approved by the DEC to address the safe closure of the portion of the mine beneath the Lake, to mitigate the potential impact of the mine's operations on the Lake's water quality,

RESOLVED, further, That the Tompkins County Legislature urges that Cargill, and/or a future buyer, be required to post an environmental bond with New York State, in an amount to be established by an independent natural resource economist, to ensure the availability of adequate funding to implement said end-of-life plan and to compensate both private and public entities for any natural resource damage claims,

RESOLVED, further, That the Clerk of the Legislature is directed to send a copy of this resolution to Governor Kathy Hochul, New York State Senate Majority Leader Andrea Stewart-Cousins, New York State Assembly Speaker Carl Heastie, New York State Senators Pete Harckham, Rachel May, Tom O'Mara, and Lea Webb; New York State Assemblymembers Deborah Glick and Anna Kelles; John O'Leary, Deputy Secretary for Energy and the Environment, Office of the Governor; Jeanette Moy, Commissioner, Office of General Services; Basil Seggos, Commissioner, Department of Environmental Conservation, the Cayuga County Legislature, the Seneca County Board of Supervisors, and others as deemed appropriate.

SEQR ACTION: TYPE II-26