



November 16, 2023

VIA EMAIL

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Re: Request for More Time to Comment on the SEQRA Review and DEC Permit Applications for the Momentum Materials Management Facility in Bath, NY

Dear Mr. Walsh and Ms. Rubacha:

On behalf of our 41,000 members, the Sierra Club Atlantic Chapter respectfully requests additional time to comment on the SEQRA review and DEC permit applications for the Momentum Materials Management Facility in Bath, NY.

Despite our request to Ms. Rubacha for the permit application materials, the only materials we were provided were the materials posted on the Momentum project website, <https://momentummaterialsmanagementfacility.com/>, which do not include DEC's SEQRA review and determination or Momentum's Part 360 permit application itself. Only the Engineering Report, the Facility Manual and the Permit Drawings, the air permit application and the SEQRA review and determination by the Town of Bath Planning Board for the Town's site plan approval are included on the website. Without all the permit application materials, we cannot adequately comment on the proposed permits or DEC's SEQRA review.

Based on the materials we have been provided, we request that DEC impose requirements for PFAS testing and treatment before any permits are issued to the Momentum, and that DEC conduct a SEQRA review that takes into account the effects on area residents, institutions and businesses from drinking water into which contaminants from Momentum's operations have been discharged.

Testing and treatment of PFAS in the wastes entering the Momentum facility is important because decanted liquids from the facility are proposed for deposit in the Village of Bath sewer system, which discharges into the Cohocton River. The two valley-fill aquifers immediately downstream from the Village of Bath, the Lower Cohocton Aquifer and the Corning Area Aquifer, are closely connected to the Cohocton River and are each primary aquifers, which require protection. These aquifers are the primary source of drinking water for the residents, institutions and businesses downstream from the Village of Bath. See the letter from Sierra Club Atlantic Chapter requesting additional modifications to the Village of Bath SPDES permit to address PFAS issues,

June 6, 2022, and the comment letter addressing PFAS issues at the Village of Bath wastewater treatment plant filed by EarthJustice on behalf of Seneca Lake Guardian, June 3, 2022.

According to Momentum's June 2023 Facility Manual, Momentum is planning to accept up to 14,000 tons of non-hazardous sludge a year. This will be one-half of the facility's incoming waste by weight. It is well documented that sewage sludge often contains PFAS. The other types of wastes proposed to be accepted by the facility: C&D waste, contaminated soils and industrial wastes, may also contain substantial amounts of PFAS.

It is not specified what types of sludges will be categorized as "non-hazardous" by the Momentum facility. Testing for PFAS and other hazardous substances must be required before wastes are allowed to enter the facility. Without testing of incoming sludges, how will compliance with the requirements of 6 NYCRR Part 597 be determined? In addition, treatment of outgoing liquids to remove PFAS must be required before those liquids are deposited in the Village of Bath sewer system.

CONCLUSION

With toxic PFAS-laden wastes coming into the proposed Momentum Materials Management Facility and being discharged to the Village of Bath WWTP, it is imperative that conditions requiring treatment for PFAS be added to Momentum's Part 360 permit to protect regional drinking water quality and preserve human and ecosystem health.

Respectfully submitted,



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