



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

JOSEPH D. MORELLE
Majority Leader

September 10, 2018

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Attention: New York State Board on Electric Generation Siting and the Environment

John B. Rhodes, Siting Board Chair
New York State Department of Public Service

Richard. L. Kaufmann, Chair
New York State Energy Research
& Development Authority

Howard A. Zucker, Commissioner
New York State Department of Health

Howard Zemsky, Commissioner
Department of Economic Development

Basil Seggos, Commissioner
New York State of Environmental Conservation

RE: Case 18-F-0150 – Application of Circular EnerG, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law to Construct and Operate an up to 80 MW Waste-To-Energy Major Electric Generating Facility in the Town of Romulus, Seneca County.

Dear Secretary Burgess, Chairman Rhodes, Chairman Kaufmann, Commissioner Zucker, Commissioner Zemsky, and Commissioner Seggos:

I join the Governor and many others in voicing objection to the siting of a waste-to-energy electric generating facility by Circular EnerG, LLC at the former Seneca Army Depot in Romulus, NY. I am concerned that this facility would adversely impact the unique and sensitive environmental characteristics of the Finger Lakes region and damage the critical and now robust agricultural and tourism industries naturally suited to the region.

It has taken considerable work, risk, and both private and public investment to stimulate growth in the region and we should not risk that progress by siting a waste-to-energy electric generating facility between two major Finger Lakes and within a few miles of major landfills.

In 2013, the *Democrat and Chronicle* (D&C) reported that half of all trash buried in New York State found its final resting place in the Finger Lakes region. In an alarming follow-up report earlier this year, the D&C found that the amount of trash delivered to the region's three largest landfills has grown by 37 percent over that five-year period. All told, the landfills, separated by approximately 40 miles, entombed 3,347,000 tons of trash last year. Since only a small portion of this waste is generated locally, thousands of trucks and railcars must enter and exit the region every year.

Now Circular EnerG, LLC has indicated its intent to seek a Certificate of Environmental Compatibility and Public Need from the New York State Board on Electric Generation Siting and the Environment (Siting Board) for the construction of a waste-to-energy electric generating facility approximately 15 miles south of the area that includes two of the large landfills. The waste component of this proposal is trash that must be hauled into the region from points that may be hundreds of miles away.

The sponsor's two-phase plan is to construct a facility with the capacity to generate 80-megawatts of electricity. Fueling this plant to operate at capacity would require the importation of an additional 2,640 tons of trash per day, according to the sponsor. This would represent hundreds of thousands of tons of imported trash annually. Thousands of additional truckloads or railcar loads would have to cross the region's roads and bridges to meet this demand.

The site selected by Circular EnerG for the waste-to-energy facility is between Seneca Lake and Cayuga Lake on land that was formerly part of the Seneca Army Depot. These lakes are the largest of the 11 Finger Lakes and serve as a source of drinking water for several communities; support the vast agricultural business in the region; and are home to a growing tourism business. We cannot underestimate the importance of the water, air quality, and transportation that would be adversely impacted by the proposed facility and the delivery of trash to fuel its operations.

The Finger Lakes are nature's gift. Their fertile soil and abundant water have made the area a natural setting for farming, food and beverage production, and tourism. We have already tampered with this gift by making the region the final resting place for more than half of the state's waste. The introduction of a waste-to-energy electric generating facility between two major lakes and a short distance from existing landfills would place a significant and unacceptable burden on the region and our ability to sustain this natural resource.

In June, Governor Cuomo announced action plans to address the causes of harmful algae blooms (HAB) in priority water bodies across Upstate. In making the announcement, he noted that "(t)he increasing frequency and duration of harmful algae blooms threatens drinking water quality and the recreational use of waterbodies that are essential to Upstate tourism and ecosystem health. HAB's, which are formed by high concentrations of blue-green algae or cyanobacteria, can produce dangerous toxins that can harm people and animals, close economically important beaches and fisheries, and threaten drinking water supplies."

These action plans are a central component of a \$65 million four-point initiative unveiled in the 2018 State of the State address. While this major state initiative is unfolding, it makes no sense to provide permits for the construction of a project that would require the importation of hundreds of thousands of tons of additional garbage into the area between the two largest Finger Lakes.

While Circular EnerG, LLC has not yet filed its Article 10 request for a Certificate of Environmental Compatibility and Public Need for the facility, it has taken the required preliminary step of formulating a Public Involvement Plan. By insisting on the broadest possible outreach plan, the Siting Board will learn that this waste-to-energy proposal is not suited for the Finger Lakes region.

Ultimately, I believe the proposal is not environmentally compatible and does not serve a public need. I urge the Siting Board to deny the application for a Certificate of Environmental Compatibility and Public Need for the waste-to-energy electric generating facility proposed by Circular EnerG, LLC.

Warmest personal regards,



Joseph D. Morelle
Assembly Majority Leader

Copy: Honorable Andrew M. Cuomo
Governor, State of New York
Executive Chamber, State Capitol
Albany, NY 12224