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11.15.21.

Kim Merchant
NYS DEC - Region 8 Office,
Division of Environmental Permits
6274 East Avon-Lima Road
Avon, NY 14414
DEP.R8@dec.ny.gov

VIA EMAIL

Re: Seneca Lake Guardian: Comments on Hakes Landfill Expansion

Dear Ms. Merchant,

Seneca Lake Guardian (SLG), A Waterkeeper Alliance Affiliate is an environmental non-profit whose mission is to preserve and protect the health of the Finger Lakes and surrounding residents from potential threats to their environment.

Despite repeated attempts by members of the public for additional documents regarding the landfill expansion, including requests made under New York's Freedom of Information Law (FOIL), there are serious omissions and relevant documents are currently unavailable on the DEC website. When asked for the complete record, the DEC directs the public to the Hakes Expansion Blogspot

<https://hakesexpansion.blogspot.com/>, The SEQRA scoping process for an expansion of the Hakes C&D Landfill must be delayed and the public comment period extended until the necessary permit applications have been received by DEC and the Town of Campbell. It is not possible for members of the public to make informed comments on the adequacy of the draft scope until the public is able to review the applications and supporting documentation.

In addition to comments made by other individuals and organizations, Seneca Lake Guardian would like the following entered into the record.

The revised draft scope on the Hakes Landfill expansion must require an evaluation of the class of chemicals known as PFAS including testing of wastes entering the landfill, and removal of PFAS chemicals from leachate leaving the landfill to assuage public concerns about PFAS chemicals that may be present.

The draft scope must require an evaluation of increased leachate production on the Steuben County Landfill Leachate Pre-treatment Plant, the Village of Bath Wastewater Treatment Plant to which the Steuben LPTP discharges and the Cohocton River to which the Bath WWTP discharges. The leachate is likely to contain per-/poly-fluoroalkyl substances ("PFAS") and there is no wastewater treatment facility that can legally accept PFAS-laden leachate without violating federal and state water laws. In addition,



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the proposed facility's expansion scoping document must provide lawfully required information to ensure the proposed expansion does not adversely impact wetlands or pollute stormwater runoff.

Due to these potentially adverse impacts to water quality and human health, DEC must scrutinize the proposed expansion's draft scoping document and ensure that it can demonstrate that it can lawfully and safely dispose of leachate without violating federal and state law. DEC must also impose monitoring and treatment obligations that direct the applicant to furnish legally mandated information before DEC approves any permit.

Because leachate from Waste Facilities has been found to contain PFAS, DEC should assume the expansion's leachate may contain PFAS. Disposal of waste is a major pathway for PFAS discharges into drinking water and may create repeated cycles of contamination. Studies have found PFAS in leachate, and landfill leachate contributes PFAS to municipal wastewater.

This is especially true for facilities that handle municipal solid waste and construction and demolition debris, two types of waste where PFAS based products are commonly present. Because PFAS is a known pollutant found in leachate from waste facilities, it is likely that leachate from the expansion will contain PFAS. DEC should therefore assume that the leachate from the Proposed Facility may contain PFAS and should take appropriate steps to ensure that PFAS from the Proposed Facility does not enter local waters.

New York's wastewater treatment facilities are not equipped to lawfully accept wastewater containing PFAS. Despite the rising concern of PFAS in drinking water, wastewater treatment facilities in New York are not yet using technology that would remove PFAS from wastewater before discharging it into surface waters. If a wastewater treatment facility accepts industrial waste containing PFAS, those pollutants will pass through the treatment works, in violation of federal and state law. 40 CFR § 403.5(a)(1); N.Y. Envtl. Conserv. Law § 17-0815(3).

The scoping document must require the development and implementation of procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the Bath wastewater treatment facility to identify the character and volume of pollutants contributed to its facility by the Hakes Landfill. Having the wastewater hauled from the Hakes facility to the Bath wastewater treatment facility does not bypass these requirements. Wastewater treatment facilities require a waste hauler to identify the source of its wastewater and require prior approval before they will accept non-hazardous industrial wastewater. The Bath wastewater treatment facility must then set monitoring requirements and limits, even prohibiting certain pollutants, in order to comply with its own SPDES permit and the requirements of the federal pretreatment program. 40 C.F.R § 403.5(c)(1). Given the likelihood of the Proposed Facility's leachate containing PFAS, DEC's scoping document must include consideration of how the Proposed Facility's Expansion can legally dispose of its leachate. It is unclear how the existing Facility can lawfully dispose of its leachate due to the absence of



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a local wastewater facility capable of treating it, let alone how an expansion of the site would deal with this issue.

The revised draft scope must require an evaluation of the adequacy of the landfill's liner system, groundwater suppression system and leachate collection system to protect against fugitive pollutants from the landfill from entering wetlands, Frog Hollow Creek, the Cohocton River and the Corning valley fill aquifer which provides drinking water for the Village of Painted Post and the City of Corning. The final scope must require an explanation of how the liner system and groundwater suppression system will compensate for the landfill's location so close to the bedrock.

The potential for PFAS to contaminate drinking water and adversely impact human health warrants additional monitoring. DEC must include in its scoping document requirements that direct the Facility to routinely inspect its leachate collection system for the presence of PFAS. Without routine testing, the Proposed Facility cannot detect PFAS in the wastewater it generates.

DEC should also require that the scoping document outline how the landfill will treat the leachate that contains PFAS before transferring it for disposal as no local wastewater treatment facilities in its vicinity can currently remove PFAS from wastewater.

In conclusion, DEC should require the landfill to show how its disposal plan complies with federal and state water and waste laws and disclose leachate disposal information as required under state law. DEC must also impose monitoring and treatment obligations on the expansion to ensure that PFAS laden leachate is lawfully disposed. DEC should also direct the landfill to submit additional information on impacts to wetlands and stormwater. Further, DEC should impose mandatory environmental monitoring of the facility.

Thank you for your careful consideration of these comments when preparing the scoping document for the Hakes Landfill expansion.

Sincerely,

A handwritten signature in blue ink that reads "Joseph M Campbell".

Joseph M Campbell-President
Seneca Lake Guardian, a Waterkeeper Alliance Affiliate

Cc: The Honorable Basil Seggos-Commissioner
New York State Department of Environmental Conservation
Basil.seggos@dec.ny.gov.