



Phillips Lytle LLP

Memorandum

To: Robert Call, DEC Region 8

From: Lindsey E. Haubenreich

Date: June 10, 2019

Re: Seneca Dairy Systems
Notes from June 4, 2019 Meeting with the DEC

1. Wildlife: Wildlife staff could not attend the meeting but does not anticipate issues with the Seneca Dairy Systems ("SDS") Project as it relates to wildlife.
2. Wetlands/streams/natural resources: Staff said they did not have any preliminary issues with natural resources on the Project site.
3. Water:
 - SDS is currently having its steel galvanized at several locations including, Oaks Corners, New York; Elderly; Utica Hubbel; and VNS in New Jersey and Pennsylvania.
 - SDS's processing facility will not have any drains. In addition, the entire floor of the processing facility will be lined with a urethane rubber spray to prevent the escape of any materials.
 - Staff requested that we put in writing the following: (1) that there are no drains in the process facility; (2) no industrial waste or materials will be discharged to the sanitary sewers; and (3) if/when waste is generated or tanks are pumped out, all materials will be properly disposed of off-site by a licensed third-party waste hauler to a disposal facility permitted to accept the waste.

- Floor washings are considered a waste and must be treated, handled, and disposed of accordingly. The system is designed with delays to prevent drips from hitting the floor. However, if drips occur, they will be collected and properly disposed of off-site.
- In the event the facility utilizes water treatment for its industrial waste/as an alternative to the acid purification system, if water treatment is involved, all waste will be subject to new source categories, and staff requested to be copied on any BMR filings submitted to the EPA.

4. Air:

- SDS distributed its air report.
- The processing facility has two emissions points: (1) one at the scrubber leading outside the facility; and (2) one at the boiler's exhaust.
- The numbers provided in the report are stack concentrations, not off-site receptor levels.
- At full buildout, the facility will have a maximum capacity to process 20,000 pounds of steel per hour. However, the facility will be well under this number and is not likely to ever achieve this capacity based on demand and other economic factors (e.g., the cost to replace tanks and other equipment).
- The air report is based on actual emissions not potential to emit emissions. Staff requested potential to emit emissions calculations.
- Youtube videos that show the type of proposed facility equipment was discussed. Staff requested that we email them links.

5. Sewer Moratorium

- There is a current sewer moratorium in Seneca County that could impact SDS if the issues are not resolved by the time SDS is operational. DEC staff stated that they have issued NOV's that include directives for how the County can move forward. DEC was just not able to approve the current plans. DEC understands the sewer system is needed so they have been working diligently

to provide timely comments/feedback. DEC staff also stated that once the sewer moratorium is lifted, and to the extent needed, SDS could obtain a Significant Industrial User Permit to discharge its industrial waste into the sewer system.

6. Construction SPDES

- Staff said that because construction activities will involve soil disturbance of one or more acres, a Construction SPDES will be needed.

7. Environmental Justice

- Staff said that the Project may be in an environmental justice area due to the Project's proximity to Five Points Correctional Facility.

8. Formal Comments

- SDS requested that DEC provide formal comments to the Environmental Assessment that will include any issues or potential issues with the project as well as identify the anticipated applicable permits/registrations SDS will be required to obtain and whether any environmental justice requirements are applicable.

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