



Cayuga Lake Watershed Intermunicipal Organization

Intermunicipal cooperation to protect the watershed.

June 28, 2023

Director David Vitale
New York State Department of Environmental Conservation
Division of Materials Management, Bureau of Solid Waste Management
625 Broadway
Albany, NY 12233-7260

Sent via email to: NYSSolidWastePlan@dec.ny.gov

RE: Comments on State Solid Waste Management Plan

Dear Director Vitale,

The Cayuga Lake Watershed Intermunicipal Organization (CWIO) was formed as part of a state funded watershed management planning process whose mission is to:

Bring local governments in the Cayuga Lake watershed together to work collectively and collaboratively with partner agencies and organizations to monitor, protect, and restore water quality throughout the watershed in the face of a changing world.

Guided by planning documents, we identify and advance projects that will benefit water quality, assist local municipalities in accessing state funding, build project partnerships, and coordinate communications and water preservation efforts between the 57 municipalities that are part of the watershed and other water quality stakeholders.

Regarding the draft Solid Waste Management Plan:

CWIO wholeheartedly supports the move towards a circular economy. A fresh and innovative look at our waste streams to maximize opportunities for reduction, reuse, recycling, and even extraction of value from waste streams, are important steps towards creating a sustainable economy.

We do not support the goal of increasing land application of biosolids as described in the draft Solid Waste Management Plan. Biosolids are known sources of per- and polyfluoroalkyl substances (PFAS) contamination. There is extensive knowledge regarding PFAS exposure and negative human health outcomes. There can also be negative impacts for farms where biosolids application leads to PFAS contamination of the soil or farm products. Maine's Department of Agriculture, Conservation and Forestry¹, has a program to "support farmers facing PFAS contamination and to help them remain viable. Achieving that goal can be time-consuming, resource intensive, and costly" to the farmer. New York has no such program.

¹ <https://www.maine.gov/dacf/ag/pfas/index.shtml#impact>

The draft Solid Waste Management Plan acknowledges that biosolids are a source of PFAS contamination. It references EPA's effort to determine safe levels and New York's work with SUNY ESF to quantify PFAS in biosolids. These are important steps but do not reduce contamination occurring from biosolid applications occurring now.

Considering the demonstrated negative impacts of PFAS on human health and agricultural operations, it is unwise to continue to apply biosolids to any land without testing and treatment to remove the risk of PFAS contamination.

We request the state suspend all land application of biosolids until they can be tested and determined to be free from PFAS contamination. We realize that this would increase biosolids landfilling and would not remove PFAS from the waste stream. It would, however, take this source of PFAS out of direct contact with our crops. It would also reduce PFAS contamination of our streams and lakes from runoff from agricultural lands. Pausing biosolid land application would provide time for New York to pass legislation banning the use of these compounds in manufacturing and give researchers time to develop viable treatment technologies to remove them from our waste streams.

CWIO supports the PFAS discharge disclosure act, Bill A03296, currently under consideration, but would ask for more. The proposed monitoring of New York State permitted (SPDES) discharges will help identify PFAS sources. It will also help downstream communities make informed decisions about the quality and usability of their water resources. It does not, however, provide an expedited path to reducing or removing PFAS from SPDES discharges. Many of the SPDES dischargers who will be subject to this bill are publicly owned municipal wastewater treatment facilities or small privately operated wastewater systems. As currently written, this bill will put the financial burden for testing on taxpayers and small treatment plant operators, not the polluters. Also, most of these facilities do not have the capability to treat PFAS. The required treatment upgrades will take years to complete and cost millions of dollars.

The public has a right to know where PFAS are concentrating in their environment. However, providing that information without robust financial and administrative support from the state to remediate PFAS contamination would be a disservice to the public and the utilities.

We suggest the state initiate the following efforts prior to any increase in land application of biosolids:

- Identify the originating sources of PFAS contamination and stop that input.
- Pass legislation banning the use of PFAS in manufacturing and in products sold in New York.
- Development treatment technologies that are economically viable to remove PFAS from our wastewater discharges and drinking water systems.
- Develop a rapid response program that provides financial and technical support for treatment upgrades to wastewater utilities who discover PFAS in their effluent and to drinking water utilities who discover PFAS in their source water or finished product.

The draft Solid Waste Management Plan includes recommendations for monitoring, research, and legislations actions in its goals. Actionable dates extend into the 2050's. We request that the actions listed above be put in place prior to considering increased land application of biosolids.

CWIO applauds the state in their vision to reimagine waste and move towards a circular economy.

With respect to biosolids though, we believe the goal of increasing land application without first removing the risk of PFAS contamination is counterproductive. Minimizing the spread of contaminants is the best way to reduce the cost of treating wastewater and the best way to protect downstream drinking water sources. It is also an excellent way to protect human health. We ask the state to alter their approach to biosolids and make an investment in stopping the sources of PFAS, developing viable/affordable treatment technologies, and expediting implementation of those technologies where they are needed.

With great respect and appreciation,

A handwritten signature in blue ink that reads "Elizabeth G. Thomas". The signature is written in a cursive style and is centered on a light blue rectangular background.

Elizabeth G. Thomas

Chair, Cayuga Lake Watershed Intermunicipal Organization (CWIO)
c/o Town of Ithaca
215 N. Tioga Street
Ithaca, NY 14850
607-279-0675
CWIOchair@gmail.com

cc:

Assemblywoman Anna Kelles
Senator Lea Webb
Assemblyman Jeff Gallahan
Senator Rachel May
Assemblyman Phillip A. Palmesano
Senator Thomas O'Mara