

Jonathan Stercho
NYSDEC Region 7 Headquarters
5786 Widewaters Pkwy
Syracuse, NY 13214
Comment.CayugaSaltMine2023@dec.ny.gov

January 14, 2025

Dear Mr. Stercho,

As a concerned stakeholder in Cayuga Lake, the Town of Ulysses respectfully submits the following comments on the Application by Cargill (0-9999-00075/00001) to renew and modify their Mining Permit to allow flooding of the S3 section of the 6-level mine region in the Town of Ulysses with up to 360 million gallons of wastewater brine. We are extremely disappointed that the DEC Region 7 as lead agency has issued a decision of a Negative Declaration of this Type 1 Action under SEQR before soliciting public input on the proposed major modifications included in the Application.

Our primary concerns, outlined below, center around the environmental, land use, and safety impacts of the proposed wastewater brine disposal beneath Cayuga Lake and the potential effects on the Town's residents, environment, and regulatory framework. Given the many substantive issues and risks posed by the actions outlined in the Application, the Town of Ulysses respectfully requests that DEC rescind the Negative Declaration with subsequent preparation of a full Environmental Impact Statement (EIS) recognizing that the proposed changes to the mining permit meets the criteria "that the action may include the potential for at least one significant environmental effect." 6 NYCRR § 617.7(a)(1).

I. Potential Environmental Impact on Cayuga Lake

The proposed disposal of under-saturated brine in the S3 Zone beneath Cayuga Lake raises significant environmental risks. The Town is concerned that this action could lead to increased salinity in Cayuga Lake, which serves as a vital resource for drinking water, recreation, and local ecosystems. Additionally, there is concern that long-term brine disposal could destabilize the mine structure, posing a risk of catastrophic collapse and creating new hydraulic connections between the mine and the lake.

II. Lack of Monitoring and Risk Mitigation

Cargill's proposal to flood the S3 Zone will eliminate the possibility of ongoing monitoring in that area, contrary to the current Mining Plan's requirements for active stability monitoring. The inability to monitor subsidence or convergence within the flooded zone presents a long-term safety risk to both the mine and the surrounding areas. Given the precedent set by the Retsof Mine collapse, the Town urges the DEC to require Cargill to adopt more robust monitoring and risk mitigation measures before granting any permit modifications.

III. Land Use and Zoning Compliance

The Town of Ulysses' Lake Shore Zone (LS) extends to the centerline of Cayuga Lake. The conversion of the S3 Zone from mining to brine disposal constitutes a new use that is not permitted under the Town's zoning regulations. Neither mining nor brine storage are permitted uses within the LS Zone, and the Town was not consulted as an involved agency in the SEQR review process.

IV. Public Safety and Groundwater Protection

The Town is particularly concerned about the potential for brine contamination to affect groundwater resources. Most of the Town's residents, including all of those living along the lake, rely on groundwater for drinking water and any contamination could have significant public health consequences. Cargill's plan does not adequately address the treatment and monitoring of subsurface water inflows for hazardous pollutants beyond salt, increasing the risk of long-term environmental harm.

V. Cargill's current Reclamation Plan and Reclamation Bond should be revised and supplemented to protect the long-term health of Cayuga Lake

Cargill's existing Reclamation Plan was last amended in 2002. There are several material developments that have occurred in the intervening 22 years that necessitate renewed scrutiny for public safety protections into the future and compliance with NYS laws. In particular, the Town is concerned that the new proposed flooding of the S3 Zone with water from mining operations beneath Cayuga Lake represents a significant, new permanent waste disposal and resource management decision. Also, Cargill recently explored a possible sale of the Mine, which calls into question its commitment and accountability for long-term best practices and full reclamation of the Mine.

DEC is now subject to a constitutional obligation to ensure that each person in the State, including those who rely upon Cayuga Lake for drinking water, recreation, and fishing, and other uses has access to "clean air and water, and a healthful environment," N.Y. State Const. Art. I, § 19. Cayuga Lake is a critical freshwater resource for hundreds of thousands of New Yorkers and protection of this important natural resource merits stricter scrutiny and monitoring of Cargill's operations than have been required to date or will be allowed with the permit as currently proposed.

The Town of Ulysses urges DEC to prioritize the protection of Cayuga Lake's waters and the health and safety of our residents as well as those in the entire watershed and require a full Environmental Review with ample public engagement before making any decision on this permit Application. Additionally, the Town requests that DEC coordinate with the Town of Ulysses to ensure compliance with local laws and hold a public hearing to address residents' concerns.

Thank you for your attention to this matter,

Katelin Olson, Town Supervisor

CC:

Tompkins County Legislators (add in addresses for Clerks to the Legislature)

NYS Legislators

Jeff Gallahan, Assembly, District 131

Deborah Glick, Assembly, Chair, Committee on Environmental Conservation

Pete Harckham, Senator, Chair, Committee on Environmental Conservation

Carl Heastie, Assembly Speaker

Anna Kelles, Assembly, District 125

Rachel May, Senator, District 48
Thomas O'Mara, Senator, District 58
Philip Palmesano, Assembly, District 132
Andrea Stewart-Cousins, Senator Majority Leader
Lea Webb, Senator, District 52

NYS DEC

Sean Mahar, Interim Commissioner
Dereth Glance, Director, Region 7
Edward Hampston, Director, Bureau of Water Compliance
Monica Moss, Division of Water
Tony Prestigiacomio, Finger Lakes Hub
Matthew Russo, Division of Water Engineer, Region 7
Margaret Sheen, Attorney, Region 7
Thomas Vigneault, Engineer, Region 7
Timothy Walsh, Director, Region 8
Christopher Otis, Mined Land Reclamation Specialist, Region 8

NYS OGS

Jeanette Moy, Commissioner

Cargill

Tom Freeman, Director, Government Relations Law
Shawn Wilczynski, General Manager, Cayuga Salt Min