



Cayuga Lake Watershed Network  
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*It takes a Network to protect a watershed!*

## **RE: Request for comment on New York State Solid Waste Management Plan**

Honorable Governor Katherine Hochul and NYS DEC Commissioner Basil Seggos,

The Cayuga Lake Watershed Network (the ‘Network’) is a grassroots nonprofit organization founded in 1998. Our mission is to advocate for the health of Cayuga Lake and its 870 square mile watershed in a changing world, and our programs promote science backed community education and engagement. We recognize that the challenges our watershed faces come in many forms including but not limited to climate change, land use change, and pollution.

As such, we welcome many provisions of the Solid Waste Management Plan which move NYS toward a sustainable, circular economy including opportunities to reduce, reuse, recycle and find opportunities to safely extract value from the waste stream. However, the provision regarding the expansion of biosolid land application alarms us and has the potential to dangerously increase contamination of farmland soils and waterways in our watershed and beyond.

### **We request that the state suspend all land application of wastewater treatment sludge (biosolids) until they can be tested and determined free from PFAS contamination.**

- Biosolids are known sources of per- and polyfluoroalkyl substances (PFAS) contamination. The plan itself acknowledges that “the recycling of biosolids through land application and other means can be a source of PFAS in the environment”.
- The Biosolids section (pg. 26) reads “Biosolids treatment and quality standards have been developed to promote the safe use of this material”, however, it is known that the current practices and standards fall short in terms of human health and environmental risk. Many persistent organic pollutants, and emerging contaminants of concern like microplastics and PFAS are currently present and unmonitored in biosolids. The EPA’s Inspector General report determined that “regulations regarding land application of biosolids were incomplete and may not fully protect human health and the environment,” citing 352 pollutants in biosolids, including “61 designated as acutely hazardous, hazardous or priority pollutants in other programs.” The State’s own standards for PFAS contamination of biosolids are only provisional and await standards to be set by the EPA.
- While there are stated NYS initiatives to develop effective treatment and standards, there is no explicit commitment to implementing effective treatment and protective standards for PFAS within the timeline of the proposed plan to increase application rates.
- The well-established stability of PFAS in the environment, its toxicity at low concentrations, and propensity to bioaccumulate mean continued and expanded use of biosolids would very likely contribute to a toxic legacy among New York farm soils. An unfortunate example of this is the state of Maine, which has now banned all biosolid application on farmland after finding that 56 farms had

elevated levels of PFAS in soils. Three farms went out of business because their produce was too contaminated to sell.

- Land application of contaminated biosolids can lead to increased human exposure via drinking water. Locally, it has been found that in the vicinity of fields in Steuben County where biosolids have been spread, wells and streams have elevated levels of those contaminants.
- We realize that prohibiting expanded application would increase biosolids landfilling and not remove PFAS from the waste stream. It would, however, take this source of PFAS out of direct contact with our crops, groundwater, and runoff entering our streams and lakes. It would also provide additional time to pass legislation banning the use of these compounds from manufacturing and to develop viable treatment technologies.

**Of relevance, the Network supports the *PFAS discharge disclosure act, Bill A03296, currently under consideration, but we ask for more.*** The proposed monitoring of SPDES discharges would provide insight into where originating sources are concentrated. It would also help downstream communities make better decisions about how they use or treat the water resource. It does not, however, provide an expedited path to reducing or removing PFAS from the SPDES discharge. Many of the SPDES dischargers who would be subject to this bill are publicly owned municipal wastewater treatment facilities. Very few of these facilities have the treatment capability to reduce/remove PFAS. Upgrades of this sort take years to complete and cost millions of taxpayer dollars.

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

**We request the state initiate the following actions prior to continuation or any expansion of 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 NYS.
- Develop treatment technologies that are economically viable to remove PFAS from our drinking water systems and wastewater discharges.
- Develop a state rapid response program that includes financial and technical support for water and wastewater utilities who discover PFAS in their effluent.

We thank the state for its vision to reimagine the waste stream. Biosolids are only 4% of the solid waste problem facing us. Until these actions are taken, we emphatically disagree with the goal of increasing the biosolids recycling rate from 22% to 57% through land application as it is counterproductive and there is serious risk of long-term health and economic consequences.

*Approved by the Cayuga Lake Watershed Network Board of Directors on 6/13/2023, signed on behalf of the Cayuga Lake Watershed Network.*



Date: 6/13/2023

Liz Kreitinger  
Steward/Executive Director, Cayuga Lake Watershed Network