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STATE OF NEW YORK



MICHELLE HINCHEY
Senator, 41ST District

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BUSINESS ENTERPRISES

January 21, 2025

Sean Mahar, Interim Commissioner
New York State Department of Environmental Conservation (DEC)
625 Broadway
Albany, NY 12233-1010

Dear Commissioner Mahar,

As Senator for New York's 41st District, I was alarmed to learn of the release of harmful leachate from landfills into the Hudson and Mohawk Rivers, posing a grave danger not only to the drinking water of thousands of my constituents, but negatively impacting tourism and the natural environment, both of which are vital to the health of the local economy. This situation is also posing serious challenges to our municipal leaders, who are left to deal with the cost-prohibitive and dangerous task of collecting and disposing of leachate. For these reasons, I am writing to urge the DEC to adopt new regulations requiring onsite treatment and disposal of landfill leachate as soon as possible. By taking this long overdue action, DEC has a critical opportunity to close this "leachate loophole" in the law and require that landfills treat toxic leachate before it is transported offsite and released into the environment. A challenge this serious requires immediate action.

A December 2024 report by the Hudson and Mohawk Rivers Leachate Collaborative identified the regulatory gaps that allow contaminated landfill leachate to be sent to municipal wastewater treatment plants and discharged into these rivers, which serve as primary or partial drinking water sources for approximately 368,000 people. In one small corner of my district alone, leachate outflow in Kingston is dangerously close to the drinking water intakes at Port Ewen (serving 4,500 people) and Rhinebeck (serving 6,000 people), according to the *Times-Union*.

It has also been brought to my attention by local leaders that municipalities are no longer able to dispose of the leachate they pump out because facilities have stopped accepting it. This is an untenable situation for communities in my district, which is why I am reaching out for your urgent attention to this matter.

Leachate, the liquid formed as water percolates through landfills, often contains dangerous concentrations of toxic chemicals, including PFAS and other toxic chemicals. While modern

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landfills are designed to capture leachate, sending raw leachate to wastewater treatment plants that are designed to treat sewage—not the toxic substances found in landfill leachate—is a serious threat to water quality. These chemicals often pass through wastewater treatment plants untreated and into rivers and ultimately, the Atlantic Ocean.

Requiring on-site treatment of leachate at landfills, where it is a concentrated and controlled waste stream, is the most effective solution. Engineering treatment systems at the source is far more efficient and manageable than addressing the dispersed contaminants downstream in municipal wastewater treatment plants or drinking water plants.

Communities relying on these rivers as drinking water sources are left to bear the financial burden of removing contaminants to ensure safe drinking water. Alarming, in some cases, drinking water facilities may not even be aware that nearby wastewater treatment plants are receiving and discharging landfill leachate upstream from their intake.

To protect our rivers and drinking water, I urge you to move forward without delay in adopting new regulations mandating on-site treatment and disposal of leachate at landfills. Thank you for your immediate attention to this extremely serious issue that is threatening the health and well-being of my constituents. Should any further information be required, please do not hesitate to contact me or my District Director, Elisabeth Tavarez, at tavarez@nysenate.gov or 845-331-3810.

Sincerely,

A handwritten signature in black ink that reads "Michelle Hinchey".

New York State Senate, District 41