

Dear Friends of Cayuga Lake,

Winter 2021

The last of winter's snow is melting away in the finger lakes. We are looking forward to getting out on the lake soon. Please read below for a full update on our winter endeavors.

Cargill Update

Cargill is currently working to reduce salt dust and brine emissions at their Portland Point road salt production facility. At the same time, Cargill has almost completed construction of Shaft 4, which is four miles north of their Portland Point campus. CLEAN



continues to monitor water quality in the area surrounding Shaft for and push forward with litigation to hold Cargill Inc accountable for industrial pollution to our water resources. Residents surrounding the shaft have noticed changes in surface water runoff as well as the quality of their drinking water. Loggers placed in residential wells by CLEAN researchers have detected significant changes in water levels as well as changes in conductivity. Monitoring will continue to determine if these changes are seasonal variables or can be attributed to the construction of the shaft.

Meanwhile CLEAN is reviewing deeds in Lansing to ascertain that mining is occurring only under properties that have sold their mineral rights to Cargill Inc. Additionally, property owners will be surveyed as to whether any buildings over the mine under the Town or over the subsidence zone beyond the mine have experienced any structural problems that may be linked to mine-related subsidence of the ground. If you own a building over or near Cayuga Salt Mine that may have subsidence-related damage, please contact us at clean.cayugalake@gmail.com.

The CLEAN legal team has filed its Motion to the NYS Court of Appeals for an Order granting leave to appeal our Article 78. The Motion requests a full review of orders entered by the Appellate Division, Third Judicial Department in 2020 and the Decision of the Trial Court Judge, Hon. John C. Rowley, entered in 2019. If

granted, the Court would then presumably review the merits of our argument that a full environmental Impact Statement (by Cargill and DEC) is timely and required under SEQRA (the statute in NYS requiring environmental reviews).

Additionally, the legal team is evaluating whether to proceed with a second Article 78 to oppose the Department Initiated Modification to the Mined Land Reclamation (in plain English, Cargill's mining permit) authorized by the New York State Department of Environmental Conservation on February 12, 2021 without adhering to proper SEQRA protocol. If we make this legal claim, CLEAN will incur substantial legal fees in our efforts to protect Cayuga Lake from the negative environmental impacts of a potential catastrophic mine collapse. As ever, your support is greatly appreciated to assist the legal team with this important community effort. Please consider making a **tax-deductible donation to CLEAN by contributing to the Chris Dennis Environment Foundation [here](#)**.

In the half century that Cargill has owned the Lansing Mine, the DEC has never required Cargill to undertake a thorough assessment of the environmental impacts of the salt mine under Cayuga Lake. This lack of concern for the environmental impacts of their projects on host communities has unfortunately been characteristic of Cargill Inc throughout the world. Recently the U.S. Supreme Court agreed to hear *Doe, et al. v, Cargill, Inc* in which the company is alleged to have contributed to a system of child slavery and forced labor in the Ivory Coast for decades.

It is clear the DEC is not taking the potential of catastrophic mine collapse seriously even after Cargill was forced to close its Avery Island Mine following the recent death of two miners in a mine collapse. We hope that Cargill and the DEC conclude that mining under Cayuga Lake is too risky for Cargill's miners and for the potability of Cayuga Lake water and the surrounding aquifer. Local residents are concerned that the closure of the Louisiana mine could lead to an effort by Cargill to increase production at their Lansing Mine. Cargill's willingness to invest millions upgrading their site at Portland Point suggests they plan to continue salt mining in Lansing for years to come.

Hopefully, deicing technology will advance to eliminate the use of road salt in the future. Meanwhile, it is important that we continue to advocate for newer, safer,

and more productive mining as is being accomplished by the American Rock Salt's Hampton Corners Salt Mine near Rochester. At the very least, CLEAN advocates for salt mining to transition to under land pending a thorough environmental review.

Cayuga Power, Coal Ash Landfill

Cayuga Power's application for Tier 1 Large Scale Renewables funding was rejected in the most recent round of NYSERDA funding. In October of 2020 the Town of Lansing voted in support of the development of a Data Center and solar arrays at the Cayuga Power site. Additionally, the Ithaca Area Economic



Development assisted with the successful application to the Appalachian Regional Commission a \$404,170 grant to bring a fiber cable to the location in preparation for the development of the data center.

While CLEAN is in full support of renewable energy, it is important to oppose the installation of a solar array in the immediate vicinity of the coal ash landfill's footprint. There is first a need to remediate the industrial pollution of the coal combustion residual waste as well as arrange for appropriate treatment of CCR leachate prior to its discharge into Cayuga Lake. There is currently no plan in place to conduct adequate environmental remediation at the site. The landfill contains an estimated 4M tons of coal combustion residuals and industrial waste, some of which is in periodic contact with the underlying water table due to lack of a geomembrane liner under the original Phase I and Phase II sections of the landfill. DEC currently permits Cayuga Operating to discharge about 35 million gallons of virtually untreated coal ash leachate into Cayuga Lake annually.

CLEAN is funded through a generous grant from the Park Foundation to undertake research and advocacy regarding the risks to the environment posed by this unremediated landfill. CLEAN has engaged an independent expert on coal ash landfills to review current monitoring reports provided to the DEC by Cayuga Power. Meanwhile, CLEAN researchers are conducting a literary review for the possibility of utilizing bioremediation to remediate the environmental contamination at the landfill as well as the feasibility of mining rare earth minerals from the site for

industrial applications.

CLEAN has become increasingly concerned over the development of a cryptocurrency operation at the Greenidge Power Plant on Seneca Lake. The environmental advocacy group, Seneca Lake Guardians, is fighting to stop the expansion of Bitcoin mining at the site. The use of lake source cooling for gas-fired boilers at Greenidge leads to the discharge of water exceeding 100 degrees Fahrenheit into a prime trout spawning stream. Seneca Lake Guardians is working hard to counter misinformation as Greenidge has contracted with the international public strategy firm, Mercury Communications, to launch a public relations campaign to promote the expansion. It is possible that Cayuga Power will attempt to extend the plant's power plant water withdrawal permit to cool any future on-site gas-fired electric generation.

Cayuga Lake Monitoring Program

CLEAN would like to thank the Park Foundation for providing grant funding to continue the Cayuga Lake Monitoring Program for the 2021 season. Our researchers were recently able to present the data collected during the 2020 season at the Stewardship Network Conference, an organization that focuses on environmental advocacy in the Great Lakes region. For the 2021 season, we are developing plans to focus on nutrient levels, particularly at the north end of Cayuga Lake, to monitor for areas of concern. We will also be offering testing to check for leaking septic systems for lakeshore residents in the area. Residents who would like to be a part of our septic study should contact us at clean.cayugalake@gmail.com.



In Other News

- Many NYS environmental organizations were angry that Gov. Cuomo vetoed a bill that would have required the Department of Environmental Conservation to review and require permits for construction and other-related disturbances on many streams throughout the state. The bill would

have expanded protections “Class C” streams that support fisheries and non-contact recreation expand permitting to more streams in New York. The Governor cited fiscal constraints in his veto, stating the bill would more than double the miles of streams subject to oversight by the DEC.

- In better news, Governor Cuomo recently signed legislation to reduce salt pollution in Adirondack streams, lakes. The legislation creates a Task Force and implements a 3-year pilot program to reduce road salt runoff. However, in February of this year, fearing on-going liability, the Cuomo administration abruptly restricted the release of information about contamination linked to the storage of road salt in the state by highway departments.
- A new regulation was proposed in January to add chlorpyrifos to the list of pesticide that are no longer allowed to be distributed, sold, purchased, possessed, or used for any purpose. Exposure to chlorpyrifos can impair brain development of children and damage cognitive function in adults. The DEC is accepting written comments on the proposed rulemaking through April 5, 2021. Written comments can be submitted to chlorpyrifosregs@dec.ny.gov

Thank you, Cayuga Lake Environmental Action *Now*

Clean the Lake.
Protect the Lake.