



Water Resources Council

Advisory Board

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16 October 2023

The Honorable Kathleen Hochul
Governor of New York State
NYS State Capital Building
Albany, NY 12224

Dear Governor Hochul,

The Tompkins County Water Resources Council (TC WRC) is deeply concerned about the future of the Cayuga salt mine, operated by Cargill in Lansing, New York. We are also alarmed by apparent inequities in permitting requirements and the lack of availability of public information for this mine and at least one other in New York State. We ask the State of New York to provide answers to the questions below.

The TC WRC, an advisory board to the Tompkins County Legislature, is charged with identifying problems, proposing priorities, and promoting the coordination of activities in the management and protection of the county's water resources. We have been concerned about the lack of public involvement over Cayuga salt mine permitting, and we have learned through [news sources](#) that Cargill is selling its salt facilities, including Cayuga salt mine.¹ The sale and future operation raises old and new concerns expressed by our members and other organizations (see attached resolution from the [Cayuga Lake Watershed Intermunicipal Organization](#)).

Cayuga salt mine has never been required to develop an Environmental Impact Statement or other publicly open environmental review during development and expansion of mining operations. A salt mine in Livingston County, the American Rock Salt Company's Hampton Corners Salt Mine Westward Underground Mine Expansion (hereafter referred to as American Rock Salt mine), recently completed an [Environmental Impact Statement](#) (EIS) in 2019.²

The TC WRC asks the State to answer the following questions:

- Why was a publicly available EIS required for American Rock Salt mining operation but not for the Cayuga salt mine?
- Without a publicly available EIS, how can the public be assured that the same level of environmental review, protection, and safety is required at both mines?
- What was the basis for increasing the Cayuga salt mine permitted SPDES discharge for Outfall 1 to 40,000 mg/L chloride from 250 mg/L? What is the American Rock Salt mine permitted chloride discharge limit to the adjacent Canaseraga Creek? If they are different, what is the reasoning for the difference?
- The salt vein under Cayuga Lake is deepest at the south end of the lake, which is not where most of Cargill's Cayuga mining operations are located. There are also anomalies

¹ <https://www.thedeal.com/scoops-exclusives/cargill-to-offload-deicing-salt-businesses/>

² https://minedocs.com/21/Hampton-Environmental_Impact_Statement-2019.pdf

The Water Resources Council Advisory Board is a citizen board that advises the County Legislature on matters relating to water resources and does not necessarily express the views of the Tompkins County Legislature.

that cause concern. How can the State assure the public that these anomalies will not result in mine collapse or other environmental concerns?

- Cayuga Lake is significantly more saline than most other Finger Lakes. Please provide information explaining why the lake salinity is not increased by mining operations.
- Why are there discrepancies in the level of regulatory requirements for different mines?
- Why is information confidential for Cayuga salt mine and not for American Rock Salt?

Regarding the potential sale of Cayuga salt mine, the TC WRC asks the State to answer the following questions:

- What is the process for selling the mine?
- What agencies are involved, and what is their authority?
- The community has access to redacted annual reports from the Cargill salt mine. The lack of transparency is concerning. Will the State disclose to potential buyers the full annual reports and the risks associated with the mine and its current expansion plans?
- What is the current plan for closing the mine?
- If the mine is sold, does the current permit carry over to the new owner?
- What requirements would a new owner need to meet?
- How will it be ensured that the new owner has the knowledge, expertise, and resources to safely continue operation of the mine or the mine's abandonment?
- The community is concerned about the low dollar value of the bond that would cover environmental cleanup of the mine and the surface operations sites. What is the plan for ensuring a large enough bond is in place prior to any ownership transfer? How is the bond value determined?
- If the new owner does not plan to continue mining salt, will the closure plans be made available to the public for comment?

We appreciate your timely response to these questions, given that the sale could be imminent. Please confirm receipt of this letter and inform us of an anticipated response date at your earliest convenience via email at dkiley@tompkins-co.org. To be clear, we do not need to receive responses to all of these questions at once as we realize it may take time to compile the answers. Instead, please send individual answers as you have them. We would like to inform the local discussion and provide the County Legislature with an update before the end of the year.

We also invite you to send a NYS Department of Environmental Conservation (NYS DEC) representative to speak to the TC WRC or another Cayuga Lake watershed group to provide information on these questions and process.

Sincerely,


Cynthia Brock

Chair, Tompkins County Water Resources Council

Enc: CWIO resolution

CC: Tompkins County Legislators

NYS Association of Counties

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

Basil Seggos, Commissioner

NYS DEC-Division of Mineral Resources

Dereth Glance, Director, Region 7

Edward Hampston, Director, Bureau of Water Compliance

Monica Moss, Division of Water

Tony Prestigiacomo, Finger Lakes Hub

Matthew Russo, Division of Water Engineer, Region 7

Margaret Sheen, Attorney, Region 7

Jonathan Stercho, Deputy Permit Administrator, NYS DEC 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 Mine

ENCLOSURE: Cayuga Lake Watershed Intermunicipal Organization Resolution adopted September 27, 2023

Resolution Requesting Action on the Cargill Salt Mine

WHEREAS Cayuga Lake is an economic driver for those living within the watershed providing drinking water and recreational activities to many, and drawing tourists from around the world, and

WHEREAS the salt mine currently owned by Cargill produces rock salt (known as sodium chloride) and has been in operation since 1916 mining salt from under Cayuga Lake—not the surrounding land--via a contract with NYS, and

WHEREAS in 1975 the New York State Environmental Quality Review Act (SEQRA) established a process for systematically considering environmental factors early in the planning stages of projects that are directly undertaken, funded or approved by local, regional and state agencies the purpose of which is to provide early environmental review that ensures that projects will be vetted, and modified as needed, to avoid adverse impacts on the environment, but due to act becoming law after the salt mine was established, the Cargill mine has not yet been required to undergo this review, and

WHEREAS under SEQR, if an action is determined to have potential impacts to the environment, an Environmental Impact Statement (EIS) must be prepared for public review to identify ways to avoid or reduce adverse impacts, and

WHEREAS the Cargill salt mine was never required by the DEC to have full environmental review including an Environmental Impact Statement (EIS) that would properly identify potential environmental risks from mining in general and in particular from the geologic anomalies that are situated in the rock above the region currently being mined and below the bottom of the lake, and

WHEREAS the risk of hydrogeologic connections between the salt mine and Cayuga Lake—particularly in the area of these geologic anomalies--would be better understood if an EIS were completed, and

WHEREAS the salt vein of the mine under the Cayuga Lake is deepest at the south end of the lake and rises closer to the bottom of the lake as it extends north and finally surfaces near Syracuse, and

WHEREAS the DEC has permitted salt mining operations to occur further and further north on the lake, away from the safest mining area and closer to the lakebed and under geologic anomalies near the towns of Ulysses, Lansing, Genoa, and Covert, and

WHEREAS the damage from a breakthrough of the lake to the mine includes the risk of subsidence of surrounding lands, salinization of the lake, and potential harm to miners as seen in the Akzo-Retsof mine south of Rochester under the Genesee River in 1994 which salinized a freshwater aquifer, and the 2020 roof collapse of the Avery Island salt mine in Louisiana which killed 2 workers and a subsequent closure of that mine, and

WHEREAS a hydraulic connection between a freshwater lake and a salt mine occurred on November 20, 1980, when a Texaco drilling rig connected Lake Peigneur in Louisiana to the Diamond Salt Mine about 1500 feet below and as a result of that accident Lake Peigneur has

subsequently been a brackish lake with chloride levels reported in 1998 ranged from 800 to 1200 mg/L chloride or 3.2-4.8X the EPA drinking water standard for chloride of 250mg/liter, and

WHEREAS salinity of Cayuga Lake is already at least twice as high as 9 of the other Finger Lakes (excluding Seneca Lake which also has salt mining activities impacting its salinity), and

WHEREAS as salinity increases in the lake, freshwater species including amphibians, fish, invertebrates, and plants, begin to decline, and

WHEREAS seawater has an average chloride content of 19,400 mg/L and runoff from the salt mine operations into Cayuga at SPDES Outfall 001 sampled on July 24, 2023, was found by the Community Science Institute to contain chloride at 34,070 mg/L, and

WHEREAS a full environmental review and EIS would also outline a closure plan for the mine once enough salt is extracted to make the mine no longer economically viable, and

WHEREAS the likelihood of an environmentally detrimental mine/lake connection would be less likely if mining occurred under land instead of water, where the risk of flooding is smaller because overlying rock is more resistant to collapse and there would have fewer or no direct pathways to the lake, but obtaining permits from landowners is more time-consuming and expensive than using the single permit granted by New York State that allows mining under Cayuga Lake, and

WHEREAS over time salt pillars are gradually compressed by the weight of the overlying water and rock, causing the mine ceiling to sag and land nearby to subside which can destabilize foundations, roads, and bridges (see photos below), and

WHEREAS Cargill has monuments to track subsidence and may now be using LIDAR but has not shared this data with property owners, but a Cornell-affiliated researcher found using INSAR satellite data indications of up to 8 cm/year of subsidence over the Hampton Corners Salt Mine in Livingston County, and

WHEREAS Cargill currently has the mine for sale—possibly to an investment firm with little mining experience, but this sale would be unlikely to trigger SEQR and the subsequent Environmental Impact Statement.

THEREFORE, BE IT

RESOLVED that the Cayuga Lake Watershed Intermunicipal Organization (CWIO) is requesting the NYS DEC and Governor of New York require a full environmental review under SEQRA including an Environmental Impact Statement (EIS) and

RESOLVED that the bond required for the mine be increased from \$3.5 million to \$1 billion+ as connectivity between the lake and the salt mine would have catastrophic effects on drinking water for 50,000+ residents, and

RESOLVED that the SPDES permit (State Pollutant Discharge Elimination System) be revised to reduce the levels of salt allowed to flow into Cayuga Lake from Cargill's Portland Point surface operations to the 250mg/liter chloride level that existed on the Cargill SPDES permit in the early 1980s, and

RESOLVED that NYS should clarify its jurisdiction over the salt mine as Cargill has never recognized the state's authority to fully regulate its underground mining operations, which has led to a lack of both oversight and protection of state resources, and

RESOLVED that the NYS Office of General Services, which must consent to a sale, deny the sale request until an EIS is conducted, and

RESOLVED that NYS develop legislation to protect communities from short and long-term mining-related damages including but not limited to requiring an EIS, since NYS does not have these laws in place, and

RESOLVED that the DEC require Cargill to collect and provide subsidence data to property owners within the subsidence zone of the Cayuga Salt mine, and

RESOLVED that the mine facility should have an adequate closure plan, and

RESOLVED that any company without mining experience should not be allowed by the NYSDEC to continue mining under Cargill's permits and any company purchasing Cargill's salt assets should be fully apprised of the potential financial liability that a collapse would pose for the restoration of the adjacent private and public properties as well as the natural resource ecology of the Lake.

Moved by Kent Hubble, Seconded by Stephanie Redmond. Vote in favor: 14, against: 0, abstain: 1.