

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Mineral Resources, Bureau of Mines, Facilities, and Technology

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October 16, 2024

John Dennis
Cayuga Lake Environmental Action Now (CLEAN)
893 Cayuga Heights Road
Ithaca, NY 14850

Dear John Dennis,

Thank you for your letter regarding a proposed mining permit modification. Dereth Glance, the Region 7 Director, asked me to respond on her behalf.

DEC is aware of the inflow of water from the shafts and the storage of water within the mine since the early 1990s. As conditioned by the permit, DEC requires Cargill to report annually on the source and volume of water inflow as well as the storage location. The water is pumped to an underground settling pond where it becomes fully saturated before it is pumped to abandoned areas of the mine. This is a common practice in salt mines throughout the world. Because this water has accumulated over time, the area historically used for storage has filled and Cargill is seeking a new underground location to store water.

Cargill notified DEC of its intent to change the water storage from 4 Level to 6 Level on January 13, 2023. In anticipation of this change, Cargill completed several studies, including geomechanical investigations and modeling to assess potential impacts to global mine stability from the storage of water in the proposed area. These studies and models were reviewed by an expert third-party consultant, the John T. Boyd Company (Boyd), who concluded that the change would not impact global mine stability.

Cargill began storing water inflow on 6 Level in early to mid-summer 2023. While there is nothing in their current permit prohibiting the change, DEC notified Cargill on March 22, 2023, that the change would require a modification of their permit to ensure transparency and to better protect public health and the environment.

Cargill submitted a modification application for its Mined Land Reclamation permit in June 2023 for storage of water in the S3 submains and its adjacent panels on the 6 Level beneath the lake surface and included a full Environmental Assessment Form (EAF). The storage area equates to approximately 150 acres within the 13,579 acre life of mine. A SEQR review is being conducted to assess the potential environmental impacts. A determination of significance will be issued once the review is complete. The water storage modification has been determined to be a Type 1 action and a coordinated review was completed.

No Memorandums of Understanding between NYS Office of General Services (OGS) and DEC exist. OGS, as noted in their April 15, 2024 letter to Brian Eden of CLEAN, relies on DEC's technical expertise for review of any modifications to Cargill's Mined Land Reclamation permit. DEC can coordinate with OGS when Cargill proposes modifications and cannot compel another agency to provide a discretionary approval.

The conditions of the Mined Land Reclamation permit were developed to balance the needs of DEC and the State with Cargill's desire to restrict the dissemination of proprietary information from competitors. The use of a third-party consultant with unfettered access to all the geotechnical information allows for a thorough, unbiased review of proposed actions and existing conditions. Raw data from seismic studies and data from the drilling in the U12 panel that identified the pressurized brine pockets is reviewed by the third-party consultant, Boyd. The raw data is not in DEC's possession.

DEC is diligent and conscientious in its responsibility to protect the environment and the people of the State of New York from harm from regulated mining activities. This allows DEC to ascertain that the mine operation is safe and consistent with the policies set forth in Mined Land Reclamation Law, while affording Cargill protection of the proprietary information.

Sincerely,

Matthew Podnieszinski

Matthew Podnieszinski
Director, Bureau of Mines, Facilities and Technology

ec: Catherine Dickert, Director, Division of Mineral Resources
Psalm Wyckoff, Mined Land Section Chief
Dereth Glance, Director, Region 7
Stephanie Webb, Assistant Regional Director, Region 7
Tom Rigley, Mined Land Supervisor, Region 7
Kevin Balduzzi, Permit Administrator, Region 7
Jonathan Stercho, Deputy Permit Administrator, Region 7