

# RENSSELAER ENVIRONMENTAL COALITION



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May 2, 2022

Basil Seggos, Commissioner  
NYSDEC  
625 Broadway  
Albany, NY 12233-1011

Dear Commissioner Seggos,

The attached document is a review of the DEC'S *Findings Statement* that served as the basis for approving the 2012 permit for the Dunn Construction & Demolition Landfill in Rensselaer NY. Also enclosed is a copy of this Findings Statement and a community survey conducted by Rensselaer Environmental Coalition (REC) in 2021.

While we appreciate that DEC has made significant new requests to the applicant regarding their 2022 renewal application, we **believe it is critical for your agency to re-evaluate the information provided in 2012** by the applicant because it became the basis for the 2012 FEIS, and ultimately, the Findings Statement and original permit approval. This is important because the applicant, in their January 2022 renewal application, used these 2012 application documents to justify continuing their operation. We believe that your agency failed to adequately analyze many of the most important issues identified by the public ten years ago. A Full Environmental Impact Statement for the entire application (not just the proposed berm) is necessary to make certain the most important environmental, health, and quality of life issues are examined and addressed for all aspects of the operation. This is the only way to protect and restore the rights of the people in the environmental justice community of Rensselaer if your agency continues the application process.

The attached review document retrospectively evaluates the 2012 Findings Statement with respect to several potential major impacts of the C&D operation proposed at that time. We believe that one of the most critical pieces of information for your agency to review is why the

location of the Rensselaer City School District campus next to the proposed landfill was understated and obscured to the point that you would hardly know the school was an issue in considering the siting of the landfill.

In the attached document you will see the original application, the DEIS and the FEIS all show lack of attention to the location of the requested project being next to the school. This all led to its lack of importance in the Findings Statement. A critical error which led directly to the current situation.

The document shows that the applicant failed to provide accurate and complete information concerning the location of the landfill in relation to the school, and the impact of its operations on the community, including noise, traffic, dust, and diesel air pollution. In the Notification of Permitted Obligations, section in the 2012 document issuing the permit, the form states that under 6 NYCRR Part 621, your agency has the right to modify, suspend or revoke the permit for “materially false or inaccurate statements in the permit application and supporting papers”. We believe that close examination of the original FEIS and Findings Statement show the facility has violated those requirements.

The landfill is less than 500 feet away from the school building, less than 200 feet from the baseball field and a playground, and right across from the other athletic fields. The only mention in the Findings Statement is on page 5 as a minor “line of sight” issue. The proximity of a dump next to a school should have been the **central issue** in evaluating the feasibility of siting a C&D operation in this sensitive location.

Another criterion for revoking a permit is the existence of ***“newly discovered material information or material change in environmental conditions, relevant technology or applicable law or regulations since issuance of the existing permit”***. Details addressing this are also in the attached document. We believe that consideration of the additional knowledge and material information gained since 2012 from complaints about noise, dust and other impacts show that this criterion is met. In addition, PFAS have been discovered in and around the landfill and in the leachate as your agency is aware.

We recommend your agency revoke the current operating permit based on the information contained in this review. If the landfill is not closed, then a Full Environmental Impact Statement is recommended to address all the issues brought to your attention and not just for the proposed berm as originally submitted by the applicant.

We respectfully request that your office keep us informed about the steps your agency will be taking to address these issues. We are willing to meet to discuss these matters with your representatives. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dave Ellis". The signature is written in a cursive, somewhat stylized font.

Dave Ellis, Chairman  
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Enclosures: (3)

CC: Anthony Luisi, Regional Director  
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