

CONCERNED CITIZENS OF ALLEGANY COUNTY Inc.
POBox 425 Angelica, NY 14709

Lindy Sue Czubernat
Division of Environmental Permits
NYSDEC, 625 Broadway, 4th floor
Albany, NY 12233-1750
DEPPermitting@dec.ny.gov
Re: Hyland Comment SPDES # NY0269620

July 7, 2016

Ms.Czubernat:

Concerned Citizens of Allegany County Inc. (CCAC) is hereby submitting this comment regarding the renewal of the SPDES permit to discharge runoff from the Hyland Landfill. (Hyland) It is documented in landfill records that Hyland has received thousands of tons of waste from the Marcellus gas field operations in Pennsylvania and that among those Marcellus Gas development wastes are:

- 233 gallons of Basic Sediment
- 65,981 tons of Drill Cuttings
- 3,486 gallons of Drilling Fluid Waste
- 18,690 gallons of Produced Fluid
- 8,378 gallons of Flowback Fracturing Sand

*(Source is Marcellus Gas.org an industry database based in Pa.)

It was plainly stated in the DEC Regional Permit administrator David Denk Responsiveness Summary (page 11) to comments during the Hyland Expansion permitting that:

“other wastes from gas drilling operations such as equipment and piping which contains pipe scale, residues from the processing of flowback water, production brine or other production wastes and bulk liquids of any kind are restricted from disposal at solid waste landfills in New York State”

As evidenced in the waste manifest above, either the facility is operating outside of regulation, inspectors are not aware of what is actually arriving at the facility or the DEC doesn't really know what is going on at the landfill in question. Either way

or all of the above, represent a possible scenario of dangerous mismanagement and give birth to unpredictable and unmonitored impacts to the environment. Review of the DEC site inspection reports reveals numerous and chronic leachate outbreaks in the slopes (into the SPDES surface discharge system) as well as a complete slope failure which resulted in containment failure and uncontrolled runoff. This is a perfect storm of factors working against SPDES and the goal of Pollution Discharge Elimination. There cannot be much confidence in the function of the current SYSTEM as permitted.

Reported ranges of radioactivity, associated with the Marcellus wastes listed above, vary from low to extremely high. One conclusion is consistently drawn from testing however, and that is that the Marcellus waste stream carries with it radioactivity mostly in the form of Radium 222, Radium 226, and Radium 228 . Radium 226 has a half life of over 1600 years and the resultant daughter decay radionuclides of radioactive Lead and Polonium are Alpha and Beta emitters that are also of concern. The previous permitted testing regimen for SPDES discharges from Hyland do not include radioactivity. CCAC requests that any renewal of the SPDES Permit for Hyland be preceded by a independent comprehensive testing program and analysis of the levels of radioactivity and hazardous pollutants being released from Hyland, how they have accumulated in downstream sediments and have they bioaccumulated in the Biota below the outfalls of the facility. Also of concern are, the groundwater suppression system and background monitoring wells. Any subsequent SPDES authorization should also require testing for and analysis of impacts, long term. Pollutants which, although below threshold for discharge (diluted), can build and impact the environment at gradually increasing levels over time. In an interim timeframe, prior to an identification of existing impact and mitigation measures, CCAC recommends that waste from radioactive and hazardous chemical sources such as Marcellus gas development not be authorized for disposal at Hyland.

Respectfully submitted
Frederick Sinclair, Chairman
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