



Concerned Citizens of Allegany County, Inc.

PO Box 425 † Angelica, NY 14709 † www.ccallegany.org

Kimberly Merchant, Deputy Regional Permit Administrator

NYSDEC Region 8

6274 East Avon-Lima Road

Avon, NY 14414

hakesSEQRhearing@dec.ny.gov

Re: Hakes C&D Disposal Expansion Project

3/14/2018

Dear Kimberly Merchant:

Concerned Citizens of Allegany County (CCAC) does hereby submit the following comment on the SEIS for the Hakes C7D Disposal Expansion Project (Hakes) .

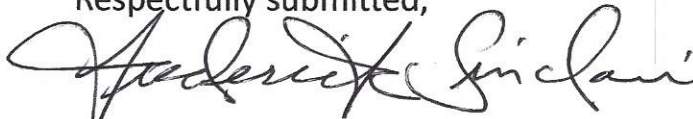
- 1) **The impact to regulated wetlands is greater in extent than what the SEIS discusses within the boundaries of the proposed Hakes expansion and borrow area.** Although the wetland impact areas within the footprint of the proposed expansion area are small in acres, these wetlands are directly connected to much larger off site wetlands and disturbances onsite will impact the recharge and characteristics of the wetlands on and off site. They are hydraulically connected and any evaluation of impact under SEQR pending COE/DEC permit assessment must evaluate these impacts and propose mitigation measures. The Hakes SEIS fails to do this. (See Exhibit A)
- 2) **The wetlands, impacted by the proposed expansion, are hydraulically connected to the groundwater suppression system beneath Hakes and to the nearby tributaries of a protected Trout stream which eventually discharges into an unconsolidated Primary Aquifer.** The wetland disturbance areas are dismissively described in section 4.1, Baseline Information on page 5 of the Wetland Mitigation Plan (WMP) where it states: "Although limited in their ability due to their small sizes, the

principle functions of these wetlands are Groundwater Recharge / Discharge, Floodwater Alteration, Sediment Toxicant Retention, Production Export, Sediment/Shoreline Stabilization and Wildlife Habitat." The WMP makes an erroneous assumption and conclusion regarding the size and connection to the quite expansive wetland. In regard to the leadoff statement "Although limited in their ability due to their small size". Hakes own Landfill Expansion Area Wetland Impact Plan map (Exhibit A) shows that wetlands and groundwater recharge/discharge areas are connected and indeed don't start and stop with project or property boundaries. These Recharge/Discharge, Flood flow Alteration,, Sediment Toxicant Retention, Production Export, Sediment/Shoreline Stabilization and Wildlife Habitat areas are, at points, also directly connected to tributary 4 of Erwin Hollow Creek (PA 3-58-1-4) a Class C stream which within 3,000 feet becomes a Classified and DEC protected Trout Stream (PA 3-58-1)Class C(T). Potential disturbance to the wetland, acting as recharge of this fishery resource, has not been fully examined. How, and to what extent, the suppression of groundwater beneath the nearby disposal cells, in conjunction with surficial collection and diversion of stormwater, will affect the wetlands is unknown. What "Sediment Toxicant Retention" discharges might occur is also not discussed in the SEIS.

- 3) **There is a present and growing threat of direct and rapid transport of radioactive pollutants from Hakes to the air, wetlands, groundwater and a protected stream that feeds the unconsolidated Corning Primary Aquifer.** The progeny of radium and radon have been shown to repeatedly be present in Hakes leachate test results. These radioactive pollutants, although periodically identified in leachate at alarming levels, have not been included in the stormwater runoff, groundwater suppression , landfill gas flaring system or air discharge testing regimens. The presence of radium, which is characteristic of the Marcellus waste stream, within the landfill will be actively producing radioactive progeny for a half life of 1600 years. The discharge of radon from the landfill and flare will deposit radioactive progeny of polonium and lead on the nearby wetlands,, runoff watershed and groundwater recharge areas. The end point of the drainage 3 miles away from Hakes is the Corning Primary Aquifer. (Exhibit B) The Hakes threat of toxic radiological impact to such a critical water supply are going unexamined in the Hakes SEIS. Regardless of the regulatory denial and failure of previous EIS to recognize the threats of even low levels of

radioactivity, there is no safe dose of radiation. None whatsoever! Alpha and beta forms of radiation are particularly harmful to humans when ingested or inhaled. Dilution is not the solution to radioactive pollution. Bioaccumulation in soil, plants, animals and humans is the undeniable process which concentrates, increases and exacerbates radiotoxicity over time. Exposure to radon gas, a progeny of radium, is the number one cause of cancer among non smokers. Natural background radiation does cause cancer. Adding to the background radiation dose just causes more cancer. There are 6,000 active Marcellus wells in Pa. with 10,000 permitted for drilling and a projected build out of 60,000 wells by the year 2030. This could result in thousands more tons of radioactive waste headed for Hakes. The Hakes failure to test for migration of radionuclides away from the site, in myriad vectors identified, invalidates the SEIS conclusion that there is no current or potential future radiological impact to the environment from the Hakes disposal of fracking drilling wastes. This conclusion cannot be defended without full radiological testing and until such is completed and results analyzed, the Hakes SEIS is invalid and the project cannot be approved.

Respectfully submitted,

A handwritten signature in black ink that reads "Frederick Sinclair". The signature is fluid and cursive, with the first name being more prominent.

Frederick Sinclair, Chairman

Concerned Citizens of Allegany County

fpsinclair@yahoo.com POBox 834 Alfred, NY 14802

Figure 2

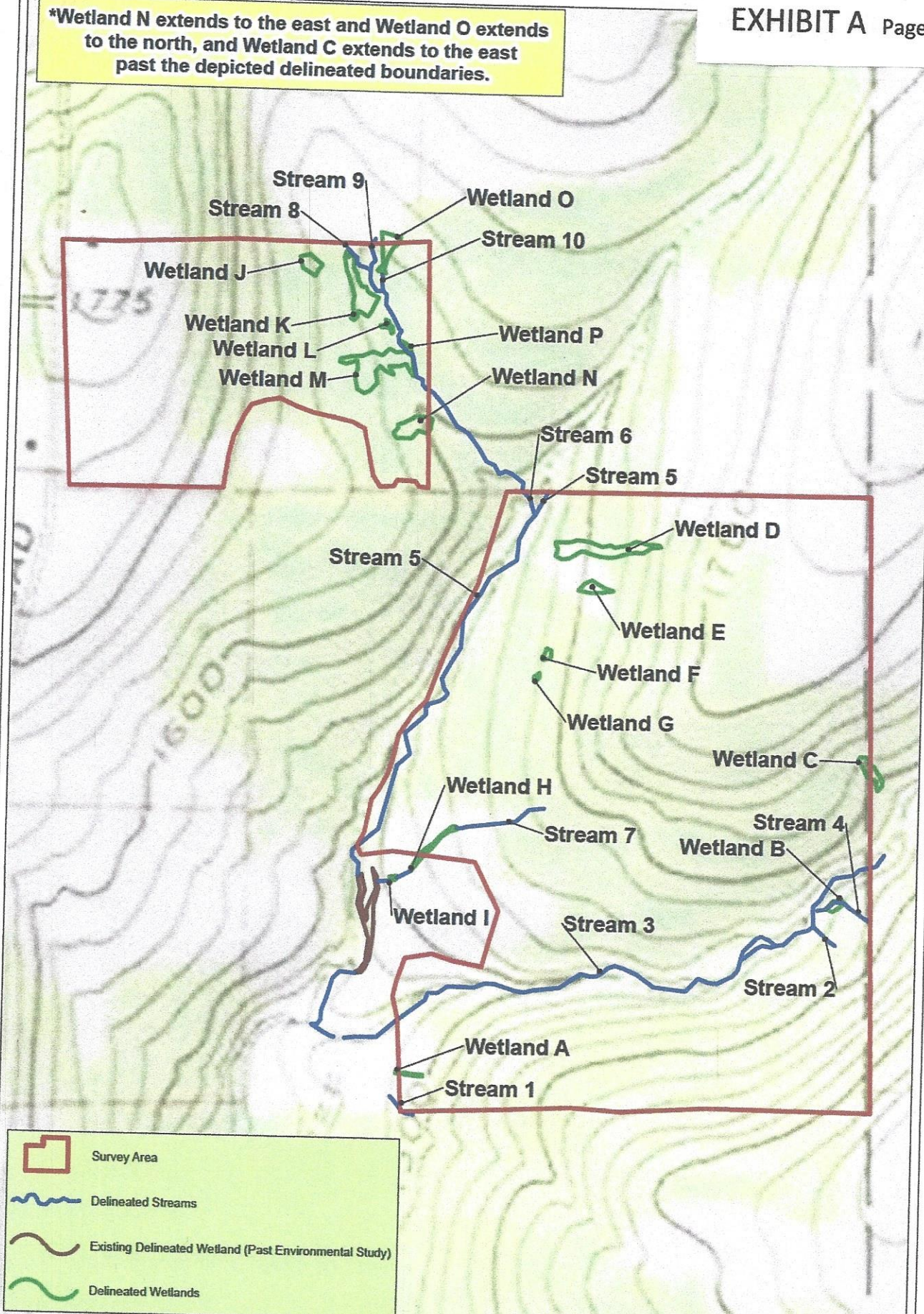
**Landfill Expansion Area
Wetland Impact Plan**



THE ENGINEER'S ATTENTION IS DRAWN TO ANY SURVEY DRAWING, DESIGN OR SPECIFICATION MADE IN ACCORDANCE WITH THE NEW YORK STATE EDUCATION LAW.

NORTHERN EXPANSION WETLAND IMPACT PLAN		HAKES C&D LANDFILL		McMahon & Mann Consulting Engineers, P.C. <small>2485 MAIN STREET, SUITE 432 BUFFALO, NY 14214 (716) 834-8832 FAX (716) 834-8934</small>	
DWG. NO. 98047-1005a	FIGURE 2	STEBEN COUNTY NEW YORK			

*Wetland N extends to the east and Wetland O extends to the north, and Wetland C extends to the east past the depicted delineated boundaries.



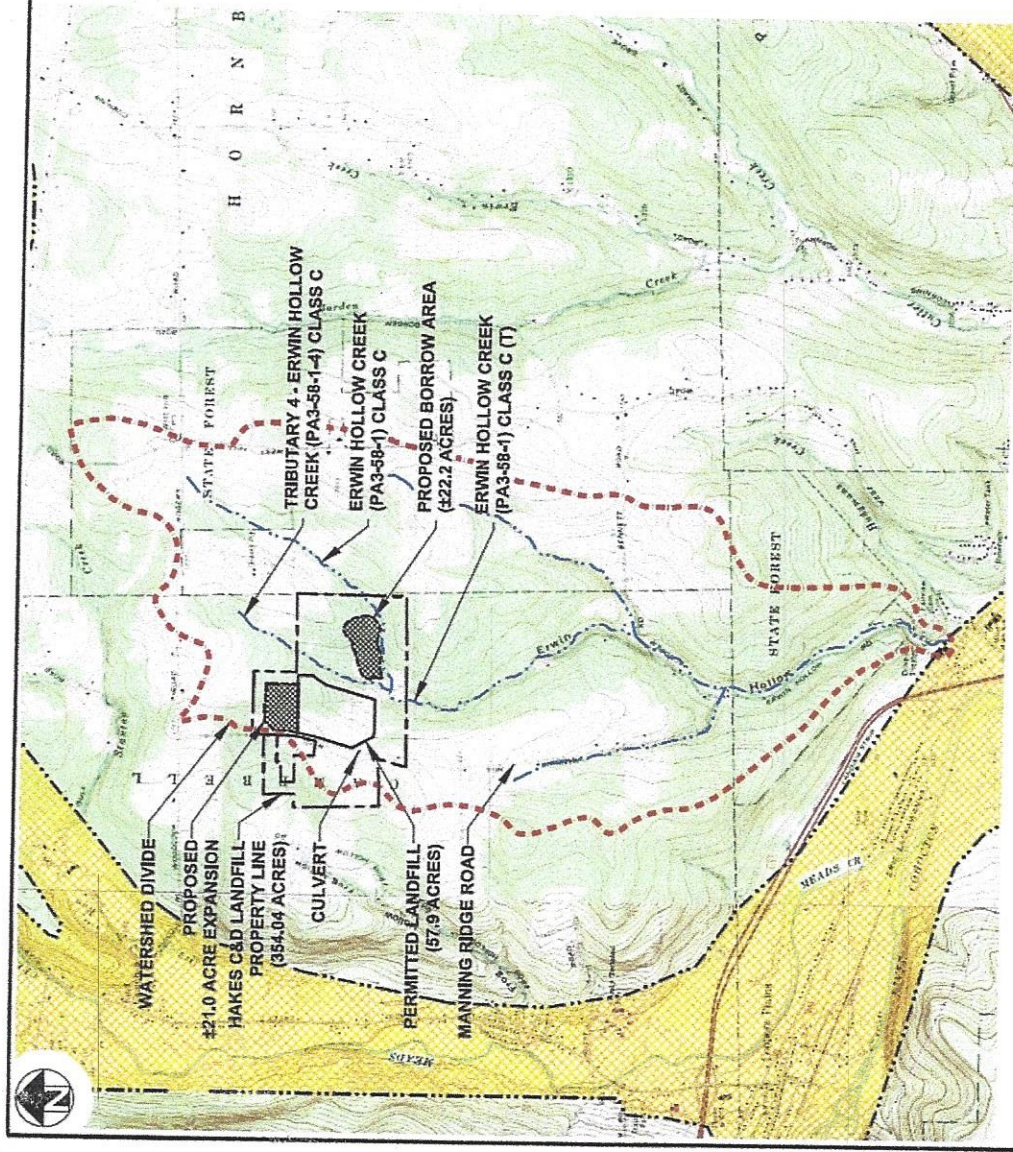
Sources: Topographic Basemap (ESRI, 2013)



1 inch = 375 feet

Hakes C&D Landfill
Delineated Resources
 Steuben County 10/07/2016 New York

Figure 7
 Project No. 574-171



LEGEND	
	APPROXIMATE PROPERTY LINE
	PROPOSED EXPANSION AND BORROW AREA LIMIT
	PERMITTED LANDFILL LIMIT
	WATERSHED DIVIDE (ERWIN HOLLOW CREEK)
	STREAM CHANNEL
	AQUIFER BOUNDARY (SEE NOTE 2)

NOTES:
 1. Base map created from Campbell and Coming USGS quadrangle maps.
 2. Aquifer boundary based on map adapted from Water-Resources Investigations reported 87-4122 titled "Unconsolidated Aquifers in Upstate New York, Finger Lakes Sheet", prepared by Todd Miller.



ALL DIMENSIONS AND LOCATIONS TO ANY POINT, DRAWING, OR REPORT IS A VISUAL CHECK OF THE NEW YORK STATE EDUCATION LAW.

McMahon & Mann
 Consulting Engineers, P.C.
 210 MAIN STREET, SUITE 435
 BUFFALO, NY 14204
 PAK 0718 BX4924

HAKES C&D LANDFILL DSEIS
 STEUBEN COUNTY NEW YORK
 WATERSHED & AQUIFER MAP
 DWG. NO. 98047-937a
 FIGURE 3

Well No. 4 is in the smaller Cohocton Basin

