Hudson River Drinking Water Intermunicipal Council

Town of Esopus, Town of Hyde Park, Town of Lloyd, City of Poughkeepsie, Town of Poughkeepsie, Town of Rhinebeck, Village of Rhinebeck, Ulster and Dutchess Counties

March 12, 2025

Via electronic mail

Amanda Lefton
Acting Commissioner, NYSDEC
Amanda.Lefton@dec.ny.gov

Sean Mahar
Executive Deputy Commissioner, NYSDEC
Sean.Mahar@dec.ny.gov

RE: Request for Immediate Rulemaking for On-site Treatment and Disposal of Landfill Leachate

Dear Acting Commissioner Lefton and Executive Deputy Commissioner Mahar,

We write to urge the New York State Department of Environmental Conservation (DEC) to immediately initiate the rulemaking process to establish new regulations under 6 NYCRR Parts 360 & 363 regarding the effective management, treatment, and disposal of landfill leachate. Additionally, we respectfully request a 90-day public comment period in connection with this proposed rulemaking to ensure meaningful public participation.

Formed in 2018, the Hudson River Drinking Water Intermunicipal Council (Hudson 7) is committed to protecting the Hudson River as the source of drinking water. The council consists of the City and Town of Poughkeepsie, Village and Town of Rhinebeck, the Town's of Highland, Hyde Park and Lloyd, and both Dutchess and Ulster counties.

The Hudson 7 is currently finalizing its first-ever Drinking Water Source Protection Plan for our water source, where we identified leachate from both active and inactive landfills as a potential contaminant source of concern.

In June 2023, the DEC hosted a virtual stakeholder meeting—largely attended by landfill operators—to present initial concepts for managing municipal solid waste landfill leachate and solicit feedback for future rulemaking. Subsequently, the DEC's 2024 Regulatory Agenda pledged to open the rulemaking process for these new regulations by year-end, but this commitment was not met. Onsite treatment and disposal of leachate has now been reintroduced in the DEC's 2025 Regulatory Agenda.[1]

Recent findings in a major new report entitled *The Threat of Landfill Leachate to Drinking Water in the Hudson and Mohawk Rivers*,[2] exposes regulatory gaps—the "Leachate Loophole"—that allow raw landfill leachate to be sent to municipal sewage plants, which discharge the landfill leachate and the highly concentrated contaminants it contains directly into the Hudson and Mohawk Rivers without effective treatment. These rivers serve as drinking water sources for approximately 368,000 people and are important to their environmental health. The Hudson 7 represents the interests of the 100,000 people who rely on the Hudson for drinking water.

The report, based on public records obtained through the Freedom of Information Act, reveals that between 2019 to 2023, an estimated 89 million gallons of landfill leachate were discharged annually into the Hudson and Mohawk rivers.

Testing of landfill leachate by the DEC has documented levels of Per- and polyfluoroalkyl substances (PFAS) "forever chemicals" as high as 5,440.35 ppt, such as at the Dunn Landfill. New York State's (NYS) Maximum Contaminant Limit (MCL) is only 10 parts per trillion (ppt) for Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS) and the Environmental Protection Agency's (EPA) new federal MCLs for PFOA and PFOS will be set at 4 ppt. The NYS Department of Health (DOH) is also proposing limits for Perfluorodecanoic acid (PFDA), Perfluoroheptanoic acid (PFHpA) and Perfluorononanoic acid (PFNA). EPA and DOH indicate there is no safe concentration of PFAS and EPA has established a Maximum Contaminant Level Goal (MCLg) of zero for PFOA and PFOS. Therefore, PFAS concentration in leachate is several orders of magnitude higher than drinking water standards. Biosolids are a significant source of PFAS in landfills where they are disposed. EPA recently published their draft risk assessment of the potential human health risks associated with the presence of PFAS chemicals in biosolids. We encourage DEC to promulgate biosolids regulations that consider the contribution of biosolids to PFAS concentrations in leachate.

While modern landfills implement measures to contain leachate and protect nearby groundwater, once collected, leachate is often transported to municipal sewage plants. These facilities are

---

[1] DEC's 2025 Regulatory Agenda once again states that it may introduce a proposed rulemaking to amend 6 NYCRR Parts 360 and 363 to address on-site treatment and disposal of landfill leachate. https://dec.ny.gov/regulatory/agenda

[2] *The Threat of Landfill Leachate to Drinking Water in the Hudson and Mohawk Rivers* (December 17, 2024), https://docs.google.com/document/d/1M5W0-GJ3umRlqMKHNa_FPCL-qSqrSeCpUOTv3JCApHA/edit?tab=t.0#heading=h.v33rxnwu8b2v

designed for sewage, not the toxic substances in leachate, leaving harmful contaminants untreated and discharged into waterways.

While none of the five treatment plants that draw water from the Hudson Estuary have detected regulated PFAS at concentrations exceeding state or federal MCLs, they have been detected above the MCLg, so we support actions that control these pollutants at the source.

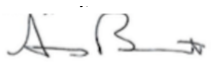
The downstream burden of removing these contaminants should not be the responsibility of the drinking water treatment plants—often without the knowledge of upstream municipal sewer plant leachate discharges. Communities relying on these rivers for drinking water could bear significant financial costs, if required to remove these contaminants, and in most cases, lack the capability to effectively treat these pollutants.

The current regulatory system is failing to adequately address the leachate problem. A new waste management regime is necessary to protect the public and shift cost burdens away from municipalities and back to polluters. The rulemaking process would allow various stakeholders to collaborate in designing a system that is both equitable and efficient.

While it is unclear the degree to which landfill leachate contaminants are currently impacting the water drawn into our plants, the potential risks to public health and water quality posed by the current practice are clear. Immediate action should be taken to protect drinking water supplies and the environment, ensure accountability, and modernize outdated waste management practices. For these reasons, we strongly believe raw leachate should never be allowed to leave the landfill, and urge the DEC to move forward promptly with new regulations for Onsite Treatment and Disposal of Leachate at Landfills.

Thank you for your attention to this critical matter. We look forward to the DEC taking decisive action to protect New York's waterways and public health.

Sincerely,



Gary Bassett
Chair, Hudson River Drinking Water Intermunicipal Council
Mayor, Village of Rhinebeck

cc: **Joseph M. O'Connell**

Director, Bureau of Solid Waste Management, NYSDEC
SolidWasteRegulations@dec.ny.gov

US Senator Chuck Schumer
US Senator Kirsten Gillibrand
Rep. Pat Ryan
Rep. Josh Riley
Rep. Paul Tonko
Kathryn Garcia, Director of State Operations, Office of the Governor
Senator Pete Harkham
Senator Pat Fahy
Senator Michele Hinchey
Senator Rob Rolison
Senator James Tedisco
Senator Rachel May
Assemblymember Sarahana Shrestha
Assemblymember Chris Tague
Assemblymember Scott H. Bendett
Assemblymember Didi Barrett
Assemblymember Anil Beephan Jr.
Assemblymember Dana Levenberg
Assemblymember Christopher Eachus
Assemblymember Jonathan G. Jacobson
Assemblymember Debroah Glick
Assemblymember Pat Fahy
Assemblymember Robert Smullen
Assemblymember Angelo Santabarbara
Assemblymember Scott Bendett
Assemblymember Phil Steck
Assemblymember Anna Kelles
Assemblymember John McDonald
Ulster County Executive Jen Metzger
Dutchess County Executive Sue Serino