



**NEW YORK
RIVER
WATCH**

November 13, 2025

Via email to: Amanda.lefton@dec.ny.gov

Commissioner Amanda Lefton
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Re: Meeting with NYS DEC Regarding Rulemaking for Landfill Leachate Management

Dear Commissioner Lefton,

For a fourth time we are writing to the agency requesting a meeting with you and your staff prior to the publication of a draft regulation for the NYS Department of Environmental Conservation (“DEC”) Rulemaking for On-site Treatment and Disposal of Leachate at Landfills. We are seeking this meeting both on behalf of our organization and the Leachate Loophole Coalition, and to encourage the DEC to convene broader stakeholder discussions that include sewage treatment plant (“STP”) and water treatment plant operators (“WTP”), local government representatives, landfill fenceline communities, not-for-profit organizations and the public. We believe such engagement is particularly important because we are concerned that DEC’s most recent approach may not adequately protect water quality, public health and the environment.

Since 2023, we have been aware of the State’s intention to initiate this rule. As you know, the 2024 report *The Threat of Landfill Leachate to Drinking Water in the Hudson and Mohawk Rivers*¹ revealed significant regulatory gaps in how the DEC is addressing a serious pollution threat. Known as the “Leachate Loophole,” these gaps allow New York’s rivers and lakes to be routinely polluted by landfill leachate, including some that are used as drinking water supplies. Although modern landfills are required

¹https://docs.google.com/document/d/1M5W0-GJ3umRlqMKHNa_FPCL-qSqrSeCpUOTv3JCApHA/edit?usp=sharing

to contain leachate to protect groundwater, much of this toxic liquid is still sent to municipal STP for disposal, even though these facilities are not designed to remove the contaminants leachate contains. From 2019 to 2023, approximately 89 million gallons of landfill leachate were discharged into the Hudson and Mohawk Rivers, threatening drinking water supplies serving more than 368,000 people in nineteen municipalities. We understand that the DEC is aware of these gaps and the ongoing pollution threat, and we hope to work collaboratively to develop solutions that close the leachate loophole to protect New York's waters.

We met with staff from DEC's Division of Materials Management in late 2023, just after we became aware of the proposed rulemaking. Since our report was released in early 2025, we have made multiple attempts to engage DEC leadership on this matter. Our records show the following outreach timeline:

- **March 9, 2025** – We sent our initial request for a meeting with you, Deputy Commissioner Mahar, our state representatives, and key legislative partners including Senator Hinchey, Senator Harckham, Assemblymember Glick and Assemblymember Shrestha, and others. Deputy Commissioner Mahar responded within twenty minutes and copied his assistant to coordinate scheduling, but no further communication followed. This was a disappointment.
- **May 5, 2025** – We sent a follow-up email to the same group. No response was received.
- **July 16, 2025** – We sent another follow-up email. Again, no reply was received.

According to the DEC's website on *Solid Waste Management Regulatory Revisions*,² only one virtual "stakeholder" meeting is listed, from 2023 — a session that centered on the landfill industry participants. We have since learned that the DEC has continued sharing information about the upcoming rule with the same industry parties — including on May 20, 2024³ and May 21, 2025⁴, at the Federation of New York Solid Waste Associations Conference. These presentations are not posted on the state's webpage, the primary resource where the public would normally access such updates. In addition, slide decks from these presentations refer to a second stakeholder meeting that is not posted on DEC's solid waste regulatory revisions page.

In the June 7, 2023 virtual stakeholder meeting,⁵ DEC proposed that the new rule would require leachate to remain onsite, potentially in a solidified form. This approach was presented as a way to prevent *all* the contaminants in leachate from being dispersed into the environment, rather than specifying treatment

²<https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/materials-management-revisions/solid-waste-management>

³https://nyfederation.org/wp-content/uploads/2024/pdf2024/09%20Clarkson_R.pdf

⁴https://nyfederation.org/wp-content/uploads/2025/pdf2025/25%20Jaime%20Lang_Part%20360%20.pdf

⁵https://extapps.dec.ny.gov/docs/materials_minerals_pdf/mswlandfillleachmeetingslides.pdf

standards for a limited number of contaminants on a site-by-site basis. It was also described as a way to avoid investment in treatment technologies that might soon require redesign or upgrades if new water quality criteria were adopted.⁶

Landfill operators raised issues,⁷ however, many commenters noted that it is reasonable and technically feasible for landfills to remove “certain” contaminants, such as PFAS, from leachate before discharging treated liquid to STPs. Commenters suggested that a one-size-fits-all approach may not be appropriate or effective; encouraged DEC to broaden stakeholder engagement; and highlighted that composting, waste reduction, and recycling should be part of the overall solution.

DEC’s recent, non-public slide decks from subsequent presentations to the same industry audience show that the proposed rule has changed significantly, taking steps in a concerning direction and narrowing its scope. As of May 21, 2025,⁸ the proposed rule-making would:

- “Require leachate from currently active MSW landfills and from currently active C&D debris landfills with leachate collection systems to be treated to remove contaminants and ensure the proper disposal of those contaminants.” This is a total of 25 active MSW landfills and 7 active C&D debris landfills statewide.
- “The treatment would occur prior to delivery of any treated leachate stream to a water resource recovery facility (WRRF) or other authorized discharge location.”
- “The concentrated residual waste resulting from treatment would be required to be properly disposed.”
- “Location that treats leachate would be permitted under Part 360 Series as a leachate treatment facility.”
- “Leachate treatment may occur at the generating landfill, at another landfill, or at an alternate permitted location.”
- “Treatment method would not be specified; instead, minimum performance/contaminant removal requirements would be specified.”

These changes are concerning because they mark a significant departure from the initial approach, which called for onsite treatment and disposal of leachate. That original approach would have addressed all

⁶<https://meetny.webex.com/recordingservice/sites/meetny/recording/4a065d1ee783103baff800505681c112/playback>

⁷<https://leachateloophole.org/wp-content/uploads/2025/11/Summary-of-Stakeholder-Comments-on-DEC-Leachate-Rulemaking-2.pdf>

⁸https://leachateloophole.org/wp-content/uploads/2025/11/20251106_Onsite-Treatment-Rulemaking-History-and-Scope.pdf

potential contaminants, including those not yet regulated, and ensured long term containment. In contrast, the current approach would:

- Rely on defined standards for a limited set of contaminants.
- Depend on off-site treatment with disposal of the treated effluent, which fails to meet the DEC's initial goal of treating both known and unknown contaminants and risks leaving contaminants untreated if regulatory limits are tightened in the future.

We have seen no evidence that other critical stakeholders — including municipal STP operators, drinking WTP operators, local government representatives, landfill fenceline communities, not-for-profit organizations or the public — have been included in these discussions. STP operators are the professionals who manage landfill leachate. While STP operators manage landfill leachate, these facilities are not equipped to remove toxic chemicals, which accumulate in sewage sludge or are discharged into rivers and lakes, including those serving as primary sources of drinking water.

By narrowing the scope and limiting the contaminants addressed, the proposed rule leaves a substantial flow of pollution into New York's rivers, groundwater, and soils, undermining both public health protections and the state's original objectives.

We have learned that the DEC plans to release a draft rule in the first quarter of 2026. We do not believe that a draft rule should be published without additional presentations to and input from the numerous stakeholders on the receiving end of leachate pollution. At this time, we are not advocating for any particular approach to leachate treatment. Rather, we strongly urge the DEC to pause this process until it has meaningfully solicited input from all key stakeholders — including STP and WTP operators, local government representatives, landfill fenceline communities, not-for-profit organizations , and the public — before releasing the proposed rule.

We respectfully request that a meeting with our coalition be scheduled as soon as possible. Please provide a few dates and times that would work for you and your team, and we will coordinate with our partners accordingly.

Sincerely,

Rebecca Martin

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