

September 3, 2026

Via email SolidWasteRegulations@dec.ny.gov

NYS Department of Environmental Conservation
Division of Materials Management
625 Broadway
Albany, NY, 12233
ATTN: Rebecca Vaughan

Re: Public Comment Comments on Proposed Part 360 Series – Landfill Leachate Regulations

Dear Commissioner Lefton and the Division of Materials Management,

Buffalo Niagara Waterkeeper (BNW) has reviewed the NYS DEC's proposed amendments related to 6 NYCRR Part 360 & 363 related to the treatment of landfill leachate at landfills and appreciates the opportunity to comment on the proposal. While we acknowledge the NYS DEC for taking this historic step involving landfill leachate management, the comments below highlight recommendations to strengthen the rule to better protect New York State's water resources.

BNW is a community-based not-for-profit in Western New York that protects and restores our water and surrounding ecosystems for the benefit of current and future generations. Our work focuses on the Great Lakes Basin, specifically the Niagara River/Lake Erie Watershed which spans 2,410 square miles over five counties. The Great Lakes contain 84% of North America's fresh surface water¹, and our community in Western New York relies on this drinking water resource for our lives and livelihoods. Lake Erie supplies drinking water to over 11 million people² while the Niagara River supports over 1 million people³ in the United States and Canada. These drinking water sources and prized ecological resources have been exposed to PFAS pollution and other hazardous contamination from landfill leachate.

Effluent from the Buffalo Sewer Authority Bird Island Treatment Plant, the City of Buffalo's wastewater treatment plant (WWTP), is input into the Niagara River, a Class A-Special drinking water source for millions of Western New Yorkers. Bird Island WWTP is paid to

¹ <https://www.epa.gov/greatlakes/great-lakes-facts-and-figures>

² <https://www3.erie.gov/environment/lake-erie-watershed-protection-alliance>

³ <https://ourniagarariver.ca/niagara-river-facts/>



receive PFAS laden leachate from Seneca Meadows, New York's largest active landfill.⁴ According to the NYS DEC, the Bird Island WWTP is one of 35 in NYS which landfill leachate is disposed at, out of over 600 WWTP across the state. In 2024 alone, the Bird Island WWTP received over 24,000,000 gallons of contaminated leachate.⁵ This WWTP, which utilizes biological treatment processes, is not set up to specifically remove PFAS and other chemical contaminants from the wastewater treated onsite. While this facility has piloted a small PFAS filtration system, it does not address the full volume of wastewater treated onsite. Sludge from the facility is incinerated for energy recapture. The lack of PFAS specific filtration puts downstream and neighboring communities at risk of PFAS exposure. The US EPA maintains that there is **no known safe level of exposure to PFOS and PFOA**.⁶

No community should willingly import contaminated waste that it knows cannot be adequately treated. Without updated rules and regulations, Western New York waters will continue to be polluted by our own wastewater treatment plants.

Our Great Lakes and Western New York communities continue to bear the environmental and public health burdens of PFAS contamination, we urge the NYS DEC to address the following:

- 1) Require **any** landfill that collects leachate to conduct treatment. This proposed rule should also pertain to **inactive landfills**, which contain PFAS and other hazardous contamination. There are over 1,900 inactive solid waste landfills across NYS.⁷ Many of these inactive landfills include PFAS laden materials and other hazardous materials, which have since been banned from use in NYS.
- 2) Require **out-of-state landfills** sending waste to New York State to abide by the same treatment standards as in-state landfills.
- 3) Require removal of **all possible PFAS** from the landfill leachate. Any PFAS measurable via EPA Method 1633 should be removed from the landfill leachate.
- 4) Require treatment of additional parameters. Any parameters that the EPA, DEC or NYS Department of Health have drinking water or surface water standards for should be included in the proposed rule.

⁴ https://www.wivb.com/news/investigates/forever-chemicals-buffalo-sewer-urged-to-stop-treating-landfill-wastewater/?email=f9458c30cf23f12ba83566f072aebc4721a867fa&email=cbeb361d8abed6046b422e15719124c3&emailb=48956a3e02f441b7a08561ef05d575801054f8369f4b2c8775886ff2be0bc38d&utm_source=Sailthru&utm_medium=email&utm_campaign=Curated%20Evening%20Newsletter%202023-05-22

⁵ <https://www.rochesterfirst.com/wp-content/uploads/sites/66/2025/07/SMI-2024-Annual-Report.pdf>

⁶ <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

⁷ <https://dec.ny.gov/environmental-protection/waste-management/solid-waste-management-facilities/landfill-types>



The costs associated with PFAS contamination in Western New York exceed the potential costs of implementing a more robust landfill leachate treatment plan. In areas with PFAS contaminated water and soil, health costs/related illnesses increase while property values plummet. These costs burden American households, especially those in small, rural, and/or disadvantaged areas.

We appreciate the opportunity to comment on this proposed rule.

Sincerely,

Jill Jedlicka

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JSJ:EC

