

Seneca Lake Guardian, Seneca Falls Environmental Action, et. al.

v.

Seneca Meadows and the New York State Dept of Environmental Conservation

Case Filed March 25, 2024

Environmental organizations, property owners and local business operations joined together in a legal filing challenging the ongoing operations of the Seneca Meadows Landfill, as well as a proposed expansion of the landfill and the failure of the NY DEC to enforce violations of the permit that oversees the landfill's operations. Legal claims in the lawsuit include a claim of nuisance, violation of the New York State Environmental Conservation Law, permit violations, and violation of the New York Green Amendment.



Under current permitting, the landfill would reach its maximum capacity at the end of 2025. Seneca Meadows Inc (SMI), the owner and operator of the landfill, has submitted an application seeking to construct 47 acres of new landfill, increase the capacity of the landfill by ~46.6 million cubic yards, increase the height of the landfill by 69.5 feet, and to secure state authorization to continue to operate the landfill an additional 15 years, until the year 2040. This permit application is currently under consideration.

Data and information cited in the lawsuit complaint demonstrates serious health concerns in proximity to the landfill. “The New York State Department of Health has recently identified a lung ‘cancer cluster’ in the vicinity of the Landfill that cannot be attributed to typical lung cancer causation factors, e.g., statistics regarding cigarette smoking and/or radon exposure,” reads the complaint. Adding, “[t]he Emissions Inventory from SMI’s website includes many Hazardous Air Pollutants (HAPS) that are known or suspected human carcinogens, including benzene, toluene, ethyl benzene, xylene, and dimethyl benzene. In addition to fugitive emissions, upon information and belief, more of these same compounds are released by SMI to the atmosphere as byproducts of incomplete combustion from flaring landfill gas.” The complaint also cites information documenting a higher level of emergency department visits in the region for obstructive pulmonary disease, as well as higher incidences of lower birth weight and premature deaths in the host county.

In addition, according to the complaint, due to landfill operations, local residents and visitors to the area experience headaches and red eyes, are sickened and made nauseous by the foul and noxious odors emanating from the landfill. Odors in the local school are so overwhelming at times that, according to the complaint, it makes students feel sick and disrupts their learning. The noxious odors are so serious they prevent people from being able to enjoy their own homes and gardens, and has

adversely impacted homeowner property values. Businesses in the area are also adversely impacted by the foul, offensive and noxious odors emanating from the landfill.

Three census tracts within the Town of Seneca Falls have been identified as disadvantaged communities that experience higher public health burdens from environmental pollution.

According to the legal filing, the NYDEC has failed to enforce permit and/or regulatory violations at the landfill, including violations with regards to air pollution which “may be injurious to human [life]”, or for odors that interfere with “comfortable enjoyment of life and property.”

The failure to enforce for regulatory and/or permit violations has resulted in the nuisance and legal claims brought forth by the lawsuit, as well as a violation of the environmental rights protected by the NY Green Amendment, including the right to clean air and a healthful environment.

According to the lawsuit, in addition to the known, knowing and intentional failure of SMI to address the pollution and odor violations inflicting so much harm on neighboring communities, the NYDEC, through its actions and in its failure to address and/or enforce against the landfill violations has become complicit in the landfill’s harmful operations and is violating its constitutional obligation to protect the rights of impacted people to clean air and a healthful environment. Granting the expansion application currently before the NYDEC will perpetuate and exacerbate these unconstitutional government acts.

The impacted residents and community members have made repeated efforts over the years to secure meaningful action by SMI and/or the NYDEC to address the pollution and permit violations at the landfill. But their efforts have been largely ignored. When the application for expansion and continued operation was filed in 2020, the community sought to engage in the process to demonstrate how existing environmental protection laws and their constitutional rights (once secured as of January 1, 2022) were being violated, and would continue to be violated into the future if the application was granted. Given the failure of the NYDEC to advance the environmental impact scoping process, the plight of the community, and the data and information they have brought forth to prove their concerns, were once again being ignored. The ability to bring a constitutional Green Amendment claim to compliment, and inform, the regulatory and permit violations, has proven important for giving the people of the Seneca Lake region a seat at the table and an opportunity find a path that will ensure their inalienable, human, and constitutional right to clean air and a healthful environment, as recognized in Article 1, Section 19 of the New York Constitution, *aka* the NY Green Amendment.

The case is currently before the Supreme Court of New York in the County of Albany.

Good press story: <https://insideclimateneeds.org/news/25032024/seneca-meadows-landfill-expansion-lawsuit/>