

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

In the Matter of the Application of

SENECA LAKE GUARDIAN,

Plaintiff-Petitioner,

For a Judgment Under Article 78 of the Civil Practice
Law and Rules,

-against-

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION and
COUNTY LINE MRF, LLC,

Defendants-Respondents.

Index No. _____

**VERIFIED PETITION AND
COMPLAINT**

Oral Argument Requested

Petitioner/Plaintiff Seneca Lake Guardian, for its verified petition for judgment pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”) and its complaint seeking a declaratory judgment pursuant to Section 3001 of the CPLR, by its attorneys, alleges as follows:

PRELIMINARY STATEMENT

1. This petition challenges the June 15, 2022 action by the New York Department of Environmental Conservation (“DEC”) issuing Solid Waste Management Permit Number 8-4422-00051/00001 (“the Permit”) to County Line MRF, LLC (“County Line”). A copy of the Permit is annexed hereto as Exhibit 1.¹

2. The Permit would allow the construction and operation of a privately owned

¹ All exhibits annexed to this Verified Petition/Complaint are identified and verified in the attached Affirmation of Susan J. Kraham.

waste transfer facility in Cayuta, New York that will generate leachate or “garbage juice” that is likely to contain per- and poly-fluoroalkyl substances (“PFAS”), which are a large group of chemicals known to be hazardous to human health.

3. The permit application failed to demonstrate, as required by law, how the leachate would be disposed of safely, failed to identify a receiving facility that is authorized to accept it for disposal, and failed to verify that the facilities identified for hauling and receiving leachate had agreed to do so.

4. Because County Line failed to provide the information required in a solid waste facility permit application, DEC was unable to evaluate and mitigate the risks the proposed new solid waste facility poses to the community and the environment. DEC’s issuance of the Permit without requiring and considering all the information the regulations require to be provided in a solid waste permit application violates the law and is arbitrary and capricious.

PARTIES

5. Petitioner Seneca Lake Guardian is a non-profit environmental organization whose mission is to preserve and protect the health of the Finger Lakes and its environment for its residents and visitors. Affidavit of Yvonne Taylor, annexed hereto as Exhibit 2. Seneca Lake Guardian is a Waterkeeper Alliance Affiliate. Petitioner’s members live throughout the Finger Lakes Region. Many Seneca Lake Guardian members get their drinking water from Cayuga Lake and swim, kayak, fish and otherwise recreate in the lake. Seneca Lake Guardian also has members who live at the lake and draw their drinking water directly through beach wells. Members whose drinking water comes from Cayuga Lake and those who recreate in Cayuga Lake are worried that the wastewater from the County Line Facility will have PFAS in it and that because the Ithaca Area Wastewater Treatment Facility does not remove PFAS from the

water, their drinking water and recreation areas will pose a threat to their health.

6. Mr. Mitchell Lavine is a member of Seneca Lake Guardian. Affidavit of Mitchell Lavine, annexed hereto as Exhibit 3. He is retired from a career in environmental research and planning and holds advanced degrees from Cornell University in architecture, landscape architecture and modular housing. Mr. Lavine owns two adjacent lake houses in Ithaca, New York. He draws his drinking water and water for other household uses from the Cayuga Lake through beach wells several feet from the lake shore. The water is filtered only through the ground. He is concerned that if County Line is permitted to operate and discharge its wastewater to the Ithaca Area Wastewater Treatment Facility, the lake water will be compromised and his well water will be unsafe to use. Mr. Lavine and his family and frequent guests also use Cayuga Lake for recreation including fishing, paddle boarding, and kayaking. He is concerned about any discharge to the lake adding any pollutants that could pose a hazard to Himself, his family, and his guests.

7. Ms. Jessica Wall is a member and the treasurer of Seneca Lake Guardian. Affidavit of Jessica Wall, annexed hereto as Exhibit 4. She was born in Ithaca, raised her family in the area, and currently lives in Lansing, New York. Ms. Wall's drinking water comes from Cayuga Lake. She and her family spend time at the lake swimming and kayaking and engaging in other activities. She is very concerned about potential discharge of leachate from County Line into the Lake. She is aware that the Ithaca Area Wastewater Treatment Facility is not equipped to remove PFAS from County Line's wastewater and is concerned that the PFAS will be discharged to the water that she and her family swim in and drink. Ms. Wall is well aware that New York recently amended its Constitution to guarantee the right to clean water and a healthful environment and is concerned that the issuance of the County Line permit will interfere with her

rights.

8. Ms. Vally Kovary is a member of Seneca Lake Guardian who has lived at 101 Brook Lane in Ithaca for the last 22 years and near Cayuga Lake for most of her life. Affidavit of Vally Kovary, annexed hereto as Exhibit 5. Ms. Kovary gets her drinking water from Cayuga Lake. She also swims and boats at the Lake and safe access to the Lake is very important to her quality of life. Ms. Kovary regularly spends time at North Point Beach, Myers Park, Long Point State Park, and beaches on private property around the Lake. Ms. Kovary is very concerned about any contamination of the lake and how it will affect her health, her drinking water, and her ability to spend time at the Lake. She believes that she and her community are entitled to rely on clean and safe drinking water and that permits should not be issued that put her drinking water at risk.

9. Respondent Department of Environmental Conservation is an executive agency of the State of New York with the powers and duties set forth in the New York Environmental Conservation Law.

10. Respondent County Line MRF, LLC is the permittee and operator of the proposed facility that is the subject of this petition. Its place of operations is 1313 Recycle Lane in Cayuta, Schuyler County, New York.

JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to CPLR sections 3001, 7801, and 7803(3).

12. Petitioners timely initiated this special proceeding by properly filing their Notice of Petition, Verified Petition and Complaint, and all supporting affidavits, memorandum of law, and other exhibits on October 13, 2022.

13. Venue lies in Supreme Court, Tompkins County because Tompkins County is a

“county within the judicial district . . . where the material events otherwise took place. . . .”
CPLR § 506(b).

FACTUAL BACKGROUND

14. On or about August 11, 2020, County Line applied for a part 360 permit to build and operate a solid waste management facility.²

15. On September 24, 2020, Seneca Lake Guardian submitted comments on the permit application filed in August 2020. September 2020 Comments of Seneca Lake Guardian, annexed hereto as Exhibit 6.

16. On March 19, 2021, County Line resubmitted its application with additional technical materials. Resubmitted County Line MRF Application, annexed hereto as Exhibit 7.³

17. The application describes a proposed 10,646 square-foot building to operate as a material recovery facility accepting municipal solid waste, construction and demolition debris, and source-separated recyclables.

18. The application states that the proposed facility will handle 500 tons of waste per day and generate approximately 80 gallons of liquid waste per day. *Id.* at 8.

19. Trucks will arrive at the facility and dump loads of waste on the facility’s concrete floor.

20. Drains in the loading bay floor will convey liquids to a holding tank.

21. County Line will place recoverable materials such as plastic, metal, and tires in

² Petitioner’s challenge stems from the approval of County Line’s March 19, 2021 application and thus does not include the earlier application dated August 2020 but references it here for context.

³ Exhibit 7 is a combined PDF of the March 19, 2021 application. The application was provided to Petitioner in 4 parts with separately paginated sections. Petitioner has inserted page numbers for the combined document in the lower right margin and references to the Exhibit will use those page numbers.

30-yard roll-off containers outside the facility.

22. When rain enters the roll-off containers, County Line may drain leachate to the holding tank for disposal.

23. County Line's application uses the terms leachate and process water.

24. It does not define or distinguish those terms.

25. County Line's operations and maintenance plan included in its application does not contain a section that, on its face, describes the method and location used for the disposal of "leachate."

26. County Line has listed Clean Earth Septic Service LLC as the company that will be trucking its "process water" to "Tompkins County Water Treatment." *Id.*

27. "Tompkins County Water Treatment" is not a facility that exists.

28. Clean Earth Septic Service LLC is not currently permitted to transport regulated waste in New York. Email from DEC dated September 16, 2022, annexed hereto as Exhibit 8.

29. Clean Earth Septic Service previously held a permit from DEC permitting it to transport waste to Ithaca Area Wastewater Treatment Facility, but that permit expired in July 2022. Waste Transporter Permit No. 8A-987, annexed hereto as Exhibit 9.

30. Clean Earth Septic Service did not submit a renewal permit within 30 days of the expiration of its permit.

31. Clean Earth Septic Service's most recent hauler permit from Ithaca Area Wastewater Treatment Facility authorizes septage but requires prior approval for anything other than septage or residential raw sewage. Waste Hauler Permit HP-025, annexed hereto as Exhibit 10.

32. Clean Earth Septic Service is not currently authorized to transport leachate to the

Ithaca Area Wastewater Treatment Facility.

33. The application does not contain any indication verifying that Clean Earth Septic Service has agreed to haul “process water” or leachate from the County Line facility.

34. County Line’s application contains information regarding the collection of what it refers to as “wastewater.”

35. Upon information and belief, the term wastewater as used in the application refers to septic waste from toilets and sinks.

36. The application states that “wastewater will be pumped out and disposed at a local wastewater treatment facility,” but does not identify which facility. Exhibit 7 at 24.

37. Seneca Lake Guardian submitted comments on the resubmitted County Line application on April 23, 2021. April 2021 Comments of Seneca Lake Guardian, annexed hereto as Exhibit 11.

38. After Seneca Lake Guardian commented on the application’s deficiencies, County Line submitted information to DEC claiming that the facility’s “process water” will be hauled by Clean Earth Septic Service LLC to the Ithaca Area Wastewater Treatment Facility or to “Chemung County Wastewater treatment plant, if Ithaca is closed.” Updated Process Water Statement, annexed hereto as Exhibit 12.

39. The supplemental information was never made available or subject to public comment.

40. The supplemental information County Line provided does not refer to leachate.

41. The supplemental information County Line provided to DEC does not contain any indication verifying that the Ithaca Area Wastewater Treatment Facility can or will accept the facility’s “process water” or leachate.

42. The supplemental information County Line provided to DEC does not contain any indication that the Chemung County wastewater treatment plant can or will accept the facility's "process water" or leachate.

43. According to the Chairperson of the Ithaca Area Wastewater Treatment Facility Joint Committee, County Line has never sought permission from the Ithaca Area Wastewater Treatment Facility to discharge its waste. Jimmy Jordan, *Legal Challenge Looms Against DEC for Permitting Regional Waste Transfer Facility*, Ithaca Voice, Sept. 16, 2022, <https://ithacavoicedotcom/2022/09/legal-challenge-looms-against-dec-for-permitting-regional-waste-transfer-facility/>, annexed hereto as Exhibit 13.

44. There is nothing in the record verifying that the Ithaca Area Wastewater Treatment Facility can or will accept the leachate.

45. DEC is aware that County Line has never sought permission from the Ithaca Area Wastewater Treatment facility. Email exchange between DEC and the Ithaca Area Wastewater Treatment Facility dated September 16, 2022, annexed hereto as Exhibit 14.

46. Sometime in the late summer or early fall of 2021, Ed Gottlieb, the Ithaca Area Wastewater Treatment Facility Industrial Pretreatment Coordinator, informed Matthew Russo, a DEC Water Division Engineer, that County Line had not sought permits or authorization to send wastewater to the facility.

47. By email dated September 16, 2022, Mr. Russo asked Mr. Gottlieb again whether County Line had reached out to the Ithaca Area Wastewater Treatment Facility.

48. Mr. Russo also asked Mr. Gottlieb whether County Line had submitted any wastewater characterization.

49. Acknowledging the likelihood of PFAS in County Line's wastewater, Mr. Russo

wrote: “I realize PFAS is a challenging issue right now and [the Ithaca Area Wastewater Treatment Facility] may or may not be requesting PFAS analytical information from industrial users/waste haulers. If you do have any (not just PFAS) anticipated or actual wastewater sampling information, could you please pass this along to us?”

50. Mr. Gottlieb responded that County Line had not reached out to the Ithaca Area Wastewater Treatment Facility. *Id.*

51. Per- and poly-fluoroalkyl substances (“PFAS”) are a large group of chemicals known to be hazardous to human health.

52. Waste disposal is a major pathway for PFAS discharges into drinking water.

53. Municipal solid waste and construction and demolition debris frequently include PFAS-based products.

54. PFAS have been found in leachate generated during the handling and storage of these waste streams.

55. The Ithaca Area Wastewater Treatment Facility does not contain technology that removes PFAS from wastewater.

56. The Chemung County wastewater treatment plant does not contain technology that removes PFAS from wastewater.

57. The Ithaca Area Wastewater Treatment Facility is a Publicly Owned Treatment Works.

58. The Chemung County wastewater treatment plant is a Publicly Owned Treatment Works.

59. The Ithaca Area Wastewater Treatment Facility’s State Pollution Discharge Elimination System permit does not authorize the facility to discharge PFAS into Cayuga Lake.

State Pollution Discharge Elimination System Permit No. NY0026638, annexed hereto as Exhibit 15.

60. The Chemung County wastewater treatment facility's State Pollution Discharge Elimination System permit does not authorize the facility to discharge PFAS into the Chemung River. State Pollution Discharge Elimination System Permit No. NY0246948, annexed hereto as Exhibit 16.

61. Because the Ithaca Area Wastewater Treatment Facility does not have technology to remove PFAS from wastewater, any addition of the County Line leachate to the Ithaca Area Wastewater Treatment facility would result in the PFAS passing through the facility and discharging untreated to Cayuga Lake, which is a drinking water source.

62. Because the Chemung County wastewater treatment plant does not have technology to remove PFAS from wastewater, any addition of the County Line leachate to the Chemung County wastewater treatment plant would result in the PFAS passing through the facility and discharging untreated to the Chemung River, which is a drinking water source.

63. On June 15, 2022, DEC issued the Permit, along with a "Responsiveness Summary." Responsiveness Summary dated June 15, 2022, annexed hereto as Exhibit 17.

64. By granting the Permit, DEC has arbitrarily and capriciously failed to adequately consider and to conform to its own regulations, state and federal law, and the newly adopted Environmental Rights Amendment which guarantees that "[e]ach person shall have a right to clean air and water, and a healthful environment." N.Y. Const., Art. 1, § 19.

LEGAL BACKGROUND

I. SOLID WASTE PERMITTING

65. Part 621 of the New York Codes, Rules and Regulations sets forth uniform

procedures for environmental permit applications. 6 NYCRR § 621.1 *et seq.*

66. Part 360 of the New York Codes, Rules and Regulations governs the construction and operation of solid waste management facilities in New York. 6 NYCRR § 360.1 *et seq.*

67. No solid waste management facility may be constructed or operated in New York without a permit from DEC. ECL § 27-0707.

68. DEC has established requirements for a solid waste permit application. 6 NYCRR § 360.16.

69. Pursuant to the regulations, an applicant for a solid waste facility permit must submit a facility manual. 6 NYCRR § 360.16(c)(4).

70. The facility manual must include the facility's waste control plan and its operations and maintenance plan. *Id.* § 360.16(c)(4)(i), (ii).

71. The waste control plan must identify "authorized locations where wastes, including residues, are transported when they leave the facility and what arrangements exist or will exist (contracts, etc.) that verify receiving entities will accept the waste." *Id.* § 360.16(c)(4)(i)(c).

72. The operations and maintenance plan must include "a description of the drainage system used for the collection and storage of leachate and the method and location used for disposal of the leachate." *Id.* § 360.16(c)(4)(ii)(e).

73. The operations and maintenance plan must include "a discussion of compliance with the operating requirements that are identified in section 360.19" *Id.* § 360.16(c)(4)(ii)(l).

74. Section 360.19 of the solid waste regulations requires that "[t]he owner or operator of a facility must operate the facility in a manner that minimizes the generation of

leachate and that does not allow any leachate to enter surface waters or groundwater except under authority of a State Pollutant Discharge Elimination System permit.” *Id.* § 360.19(b)(2).

75. Leachate is defined by 6 NYCRR § 360.2(b)(157) as “any solid waste in the form of a liquid, including any suspended components, that results from contact with waste.”

II. CLEAN WATER ACT PERMITTING AND NEW YORK PERMITTING

76. The State Pollutant Discharge Elimination System is New York’s program administering and implementing the federal Clean Water Act’s National Pollutant Discharge Elimination System. *See* 33 U.S.C. § 1342.

77. Congress passed the Clean Water Act in 1972 “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” *Id.* § 1251(a). The Act protects all navigable waters of the United States, including surface waters that supply drinking water, support fish and wildlife, and provide aesthetic and recreational opportunities for current and future generations of Americans.

78. The Clean Water Act’s goal is to eliminate all discharges of pollution into navigable waters. *See id.* § 1251(a)(1). To that end, the Act establishes the National Pollutant Discharge Elimination System (“NPDES”), which is managed by the federal Environmental Protection Agency (“EPA”) in partnership with state environmental agencies, including DEC, which are authorized to issue NPDES Permits. *See* 33 U.S.C. § 1342; ECL §§ 17-0801 *et seq.*

79. The Clean Water Act prohibits point sources from discharging pollutants except in compliance with a NPDES permit. 33 U.S.C. §§ 1311(a), 1342(a).

80. New York’s State Pollutant Discharge Elimination System program has been approved by the EPA Administrator and is operated by DEC. The State Pollutant Discharge Elimination System program is governed by ECL § 17-0801 *et seq.* and 6 NYCRR § 750-1.1 *et*

seq.

81. ECL § 17-0815(3) prohibits “the discharge of any pollutant not identified and authorized by a State Pollutant Discharge Elimination System permit.” *See also* 6 NYCRR § 750-1.4(a).

82. In New York, facilities proposing to discharge pollutants must apply for and obtain a State Pollutant Discharge Elimination System permit from DEC.

83. State Pollutant Discharge Elimination System permits identify limits on the type and quantity of pollutants that may be discharged from a facility. *See* 6 NYCRR § 750-1.11.

84. Clean Water Act regulations prohibit an industrial discharger from introducing pollutants into a sewage treatment plant (also referred to as a Publicly Owned Treatment Works), that will “pass through” or “interfere” with the facility. 40 C.F.R. § 403.5(a)(1).

III. WASTE TRANSPORT REGULATIONS

85. New York regulations require any entity transporting regulated waste in the State to obtain a permit. 6 NYCRR § 364-4.1(a).

86. A renewal application must be submitted no fewer than 30 days prior to a waste transport permit’s expiration.

87. Entities applying for waste transport permits must include in their application “a description of the types of waste to be transported.” *Id.* § 364-4.2(b)(4).

88. The applicant also must demonstrate that the receiving facility is authorized to accept the waste the transporter proposes to deliver. *See id.* § 364-4.2(8).

89. Waste transporters cannot transfer waste to a wastewater treatment facility unless they are authorized to transport the specific type of waste they intend to haul.

90. Waste transporters cannot transfer waste to a wastewater treatment facility unless

the receiving facility is authorized to accept the type of waste being transported. *Id.*

§ 364-4.6(e).

91. Wastewater treatment facilities require a waste hauler to identify the source of its wastewater and require prior approval before they will accept non-hazardous industrial wastewater.

92. A wastewater treatment facility must then set monitoring requirements and limits, even prohibiting certain pollutants, in order to comply with its own State Pollutant Discharge Elimination System permit and the requirements of the federal pretreatment program. *See* 40 C.F.R. § 403.5(c)(1).

IV. NEW YORK CONSTITUTIONAL RIGHT TO A HEALTHFUL ENVIRONMENT

93. The Constitution of the State of New York guarantees that “[e]ach person shall have a right to clean air and water, and a healthful environment.” N.Y. Const., Art. 1, § 19.

FIRST CAUSE OF ACTION

(Issuance of the Permit Without Compliance with 6 NYCRR §360.16(c)(4)(i)(c))

94. Petitioner repeats and re-alleges the allegations contained in paragraphs 1–93 above and incorporates such allegations by reference as if set forth herein.

95. The County Line facility will generate leachate from its operations.

96. County Line’s application did not identify an authorized location that has agreed to accept its leachate.

97. County Line’s application did not identify a company that is authorized to haul its leachate and has agreed to do so.

98. County Line’s application did not identify an authorized location where it will dispose of its wastewater.

99. County Line has not provided information to DEC, either in its application or in any supplemental materials, that identified “authorized locations” where wastewater or leachate will be “transported when they leave the facility” or verified that “receiving entities will accept the waste,” in violation of 6 NYCRR § 360.16(c)(4)(i)(c).

100. DEC acted in a manner contrary to law when it issued the Permit without the application meeting the requirements in 6 NYCRR § 360.16(c)(4)(i)(c) requiring a waste control plan that identifies a location that is authorized to accept County Line’s leachate and has agreed to do so.

101. DEC’s decision to issue the Permit was arbitrary and capricious because it knew based on its own inquiries that County Line’s application failed to comply with the regulations.

102. DEC’s decision to issue the Permit was arbitrary and capricious because DEC was informed of the shortcomings of the County Line application in failing to comply with the requirements of 6 NYCRR § 360.16(c)(4)(i)(c), yet failed to respond to comments or to require compliance with the requirements and issued the Permit anyway.

SECOND CAUSE OF ACTION

(Issuance of the Permit Without Compliance with 6 NYCRR §360.16(c)(4)(ii)(e))

103. Petitioner repeats and re-alleges the allegations contained in paragraphs 1–102 above and incorporates such allegations by reference as if set forth herein.

104. County Line’s application indicates that “leachate . . . will be collected by a double wall concrete holding tank and will be pumped based on a contractual agreement as needed.” Exhibit 7 at 8.

105. It also states that “leachate may be drained within the trailer way to the approved holding tank for proper disposal.” *Id.* at 35.

106. These statements do not constitute an adequate “description of the drainage system used for the collection and storage of leachate and the method and location used for disposal of the leachate,” in violation of 6 NYCRR § 360.16(c)(4)(ii)(e).

107. DEC’s actions were contrary to law when it issued the Permit without the application meeting the requirements in 6 NYCRR § 360.16(c)(4)(ii)(e) requiring an operations and maintenance plan specifically detailing the facility’s plan for leachate disposal.

108. DEC’s decision to issue the Permit was arbitrary and capricious because it knew based on its own inquiries that County Line’s application failed to comply with the regulations.

109. DEC’s decision to issue the Permit was arbitrary and capricious because DEC was informed of the shortcomings of the County Line application in failing to comply with the requirements of 6 NYCRR §360.16(c)(4)(ii)(e), yet DEC failed to respond to comments or to require compliance with the regulations and issued the Permit anyway.

THIRD CAUSE OF ACTION

(Issuance of the Permit Without Compliance with 6 NYCRR §360.16(c)(4)(ii)(I))

110. Petitioner repeats and re-alleges the allegations contained in paragraphs 1–109 above and incorporates such allegations by reference as if set forth herein.

111. County’s Line’s application does not have an operations and maintenance plan that includes “a discussion of compliance with the operating requirements that are identified in section 360.19” 6 NYCRR § 360.16(c)(4)(ii)(I).

112. County Line failed to provide information in its application demonstrating that it can operate the facility “in a manner that . . . does not allow any leachate to enter surface waters or groundwater except under authority of a State Pollutant Discharge Elimination System permit.” *Id.* § 360.19(b)(2).

113. DEC acted contrary to law when it issued the Permit without the application meeting the requirements in 6 NYCRR § 360.16(c)(4)(ii)(l) requiring an applicant to demonstrate compliance with the requirements in section 360.19, including 6 NYCRR § 360.19(b)(2), which require an applicant to demonstrate it can operate in a way that its leachate will be disposed of in compliance with a State Pollutant Discharge Elimination System permit.

114. DEC's decision to issue the Permit was arbitrary and capricious because it was aware, based on its own inquiries, of the failure of County Line's application to comply with the regulations.

115. DEC's decision to issue the Permit was arbitrary and capricious because Seneca Lake Guardian informed DEC of the shortcomings of the County Line application in failing to comply with the requirements of 6 NYCRR § 360.16(c)(4)(ii)(l), yet DEC failed to respond to Seneca Lake Guardian's comments and issued the Permit anyway.

FOURTH CAUSE OF ACTION

(Failure to Consider Petitioner's Members Rights Under N.Y. Const., Art. 1, Sec. 19)

116. Petitioner repeats and re-alleges the allegations contained in paragraphs 1–115 above and incorporates such allegations by reference as if set forth herein.

117. N.Y. Const., Art. 1, § 19 guarantees every person the right to clean water and a healthful environment.

118. Respondent County Line's facility will allow pollutants to pass through to surface water.

119. Petitioner's members recreate in, drink, and otherwise use that surface water.

120. Respondent DEC failed to consider the impact of the permit on Petitioner's members' constitutional right to clean water and a healthful environment. N.Y. Const., Art. 1, § 19.

WHEREFORE, Petitioner respectfully requests that this Court enter judgment against Respondent pursuant to CPLR sections 3001, 7803(1), 7803(3), and 7806 as follows:

1. Adjudging and declaring that DEC's issuance of Solid Waste Permit No. 8-4422-00051/0000 was in violation of lawful procedure, affected by errors of law, arbitrary and capricious, and an abuse of discretion;
2. Annuling, voiding, and vacating Solid Waste Permit No. 8-4422-00051/0000;
3. Granting Seneca Lake Guardian the costs and disbursements of this action; and
4. Granting such other and further relief as the Court deems just and proper.

Dated: October 13, 2022
New York, NY

Respectfully submitted,



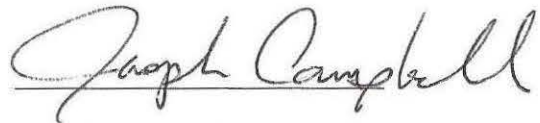
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*Counsel for Plaintiff-Petitioner
Seneca Lake Guardian*

VERIFICATION

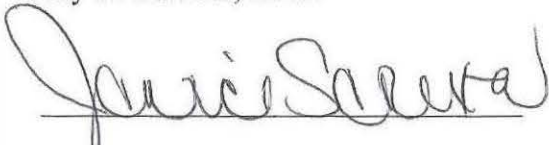
STATE OF NEW YORK)
)
COUNTY OF SCHUYLER) ss.:

Joseph Campbell, being duly sworn, hereby affirms under penalty of perjury: I am President of Seneca Lake Guardian, and I have authority to approve the annexed petition on behalf of Seneca Lake Guardian. I have reviewed the petition and know its contents. The petition is true to my knowledge, except to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true.



Joseph Campbell

Sworn to before me this 11th
day of October, 2022.



NOTARY PUBLIC

JANICE SCRIVEN
No. 01SC6154706
Notary Public, State of New York
Qualified in Schuyler County
My Commission Expires 10/23/20 22