

RESOLUTION NO. 025

RESOLUTION OBJECTING TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S PROPOSED SOLID WASTE MANAGEMENT REGULATORY REVISIONS REGARDING LEACHATE MANAGEMENT

WHEREAS, Delaware County ("County") is a rural community, with a hands-on history of problem solving that is the natural evolution of an agricultural and natural resources economy. In 1974, the County issued its first solid waste management plan. In that plan, the County came to the conclusion that a County-wide solid waste solution that was affordable to its residents needed to be implemented. The County was too large, the population too small, and the income levels too low for many of the residents to otherwise afford safe solid waste disposal. Burn barrels, backyard dumping, and roadside dumping were affordable alternatives. In response, the County developed over fifty (50) year period a multi-faceted solid waste facility situated in the center of the County; and

WHEREAS, in Governor Hochul's 2026 State of the State Address, Governor Kathy Hochul directed the New York State Department of Environmental Conservation ("NYSDEC") to draft regulations requiring landfills to treat leachate for heavy metals, PFAS ("forever chemicals"), and 1,4-dioxane *at the source* before discharging it to municipal wastewater plants; and

WHEREAS, on July 1, 2026, NYSDEC proposed revisions to the State's solid waste regulations to implement the Governor's directive. The proposed rules will apply to 25 active/permitted Municipal Solid Waste ("MSW") landfills. Nineteen of the 25 landfills are municipally owned landfills; and

WHEREAS, in its Notice of Proposed Rulemaking, NYSDEC summarizes the cost per facility from the treatment required by the proposed rule as follows:

"Capital costs will vary depending, among other variables, on the treatment technology used and the volume of leachate to be treated. ... It is estimated that capital costs could be between **\$3 million** and **\$50 million**. Annual operating costs will again vary based on chosen technology, the volume of leachate to be treated and other variables and are estimated between **\$1.5 million** and **\$8 million** per year."

WHEREAS, using the NYSDEC's data and cost estimates, the County calculates that its compliance with this rule on an annual basis would result in at most a reduction of **.0509 total pounds** of combine PFOA and PFOS - resulting in an estimated annual treatment cost per pound of PFOA/PFOS of **\$29,453,345.12**; and

WHEREAS, the Delaware County Department of Public Works (DCPW) submitted comments objecting to the proposed rulemaking on August 13, 2026. The full text and import of DCDPW's comments are incorporated by reference herein; and

WHEREAS, in August, 2026, the Delaware County Board of Supervisors adopted a resolution objecting to the proposed rulemaking on several grounds; and

WHEREAS, DCPW subsequently sought access under the Freedom of Information Law (FOIL) to NYSDEC records documenting the DEC's analysis of the fiscal impact the proposed rule would have on Delaware County residents. The DEC must consider whether the proposed rules are economically feasible before it moves forward with adoption; and

WHEREAS, in response to the FOIL, NYSDEC produced an excel spreadsheet showing the anticipated cost for each of the 25 active MSW landfills. Using this information, the DCDPW was able to deduce Delaware County would incur approximately \$2,898,230 in annual debt service to construct/ install the necessary leachate treatment systems. When you add related operating costs, the annual cost increases to be **\$6,798,230** for the next 20 years (without inflation); and

WHEREAS, according to the 2020 census, Delaware County has approximately 19,203 households which results in an estimated annual cost to each household of **\$354**. NYSDEC's spreadsheet reports that Delaware County's 2022 landfill-disposal tonnage was 21,084 tons per year. For Delaware County to raise \$6,798,230 on 21,084 tons/year, Delaware County would have to raise its tipping by \$322.44/ton. The NYSDEC has not conducted the required fiscal impact analysis to assess how this increase will impact Delaware County residents or the residents in other rural communities that host municipal landfills; and

WHEREAS, DCDPW submitted additional comments to the DEC by letters dated September 9, 2026 and September 11, 2026 arguing the NYSDEC has not undertaken the environmental and fiscal impact analysis that is required by law and that the proposed rule is not economically or technologically feasible, and therefore, should be rejected.

WHEREAS, the public comment period on the proposed rulemaking has closed but the Department has not taken final action. By this resolution, the Town of Harpersfield seeks to add its voice to Delaware County's objections and to urge our state representatives to intervene and demand that the NYSDEC table consideration of this rulemaking until the appropriate fiscal impact analysis has been completed.

NOW, THEREFORE, BE IT RESOLVED the Town of Harpersfield joins the Delaware County Department of Public Works in its opposition to the proposed revisions to NYSDEC's State's Solid Waste regulations (6 NYCRR Part 360, et seq) and hereby adopts the Delaware County Department of Public Works' comments dated August 13, 2026, September 9, 2026 and September 11, 2026, which have been submitted to NYSDEC for its review and consideration.

BE IT FURTHER RESOLVED, that this resolution be sent to DEC and our state and representatives to document the Town of Harpersfield's objection to the proposed rulemaking.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to New York State Governor Kathy Hochul, Secretary of State Walter T. Mosley, U.S. Senator Kristen E. Gillibrand, U.S. Senator Charles Schumer, U.S. Representative Josh Riley, New York State Senator Peter Oberacker, New York State Assemblyman Joe Angelino, New York State Assemblyman Brian

Maher, New York State Assemblyman Christopher Tague, Commissioner of DEC Amanda Lefton.

WHEREUPON, the Resolution was put to a vote, recorded as follows:

Ayes - 5 Nays - 0 Abstentions -0

DATED: October 14, 2026

SO APPROVED:

State of New York
County of Delaware

I, Heidi Loveless, Clerk of the Town Board of the Town of Harpersfield ("Board"), do hereby certify that the above is a true and correct copy of a resolution adopted by said Board on the 14th day of October, 2026 and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town Board of the Town of Harpersfield, New York this 15th day of October, 2026.



