



Skaneateles Lake Association, Inc.
P. O. Box 862 · Skaneateles, NY 13152

August 5, 2021

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Karyn Hanson
NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Re: Use of EarthTec (Active ingredient: Copper Sulfate 20%)

Skaneateles Lake Association Public Comment on City of Syracuse
SPDES Algicide Permit Application #7-3150-00112/00004

Dear Ms. Hanson:

Position of opposition

The Skaneateles Lake Association (SLA), a not for profit established in 1969 to ensure the protection of Skaneateles Lake and its watershed, **strongly opposes at this time the New York State Department of Environmental Conservation (NYSDEC) permitting the City of Syracuse the ability to introduce the algicide EarthTec into Skaneateles Lake.**

Recommendation to postpone determination due to uncertainties and lack of reassurances

While SLA shares and respects the concern and responsibility to maintain public safety through the protection of drinking water, **there are currently too many uncertainties** regarding the treatment product and application protocols and **not enough well established reassurances** that are associated with the potential impact and use of the algicide. It is because of the uncertainties and lack of reassurances, **SLA requests that the NYSDEC postpones determination on the permit request until significant concerns outlined in this comment can be adequately addressed by the City of Syracuse, NYSDEC, EarthTec, and the appropriate scientific community.**

Selection of EarthTec and associated uncertainties

On behalf of the concerned community, **SLA would request that more information be provided in regards to how EarthTec was selected as a suitable and effective product juxtaposed against other alternatives and inquire whether other treatment options, that are currently available and potentially permissible, were assessed.** There are concerns about the risks

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associated with treating Microcystis cyanobacteria with a product such as EarthTec that could remain in the lake's ecosystem over time. There is also interest as to whether peroxide based treatments were assessed as well as other chelated copper sulfate algicides and whether EarthTec was determined to be most appropriate or was it just one of the only products looked into prior to submitting the permit application? Better understanding the parameters that aided in selection and assessment of EarthTec as a product may be beneficial in knowing what other alternatives have been possibly overlooked.

Also, at this time, there has been no success in procuring 3rd party or government based assessment of EarthTec as a product. **Having more information from an entity such as the Environmental Protection Agency on the potential impacts on a water body from EarthTec** and not just literature provided by the company itself is a reasonable expectation in the assessment process. Earth Science Laboratories, Inc. reports that their product EarthTec “kills cyanobacteria without causing cell lysis”, which is important due to the risk of additional microcystins being released from cell wall disruption. The SLA recommends that there be time for more government and 3rd party assessment of this report that is not based on the company claims or studies paid for by the company. This is an extremely important factor that would require more reassurance in a laboratory and mesocosm field tests with conditions similar to Skaneateles Lake.

There has been information provided showing that other municipalities use EarthTec at drinking water treatment plants, but none procured yet that depicts application into surface waters on a body of water with shoreline residents and recreational swimming. It also unclear as to whether the application of EarthTec on Skaneateles Lake is unprecedented in terms of surface water application on a body of water that is reservoir with a filtration avoidance waiver. **SLA recommends that there is further investigation regarding what the impacts are to other similar bodies of water with similar application.**

While EarthTec is noted to meet NSF American National Standard 60 for Drinking Water Treatment Chemicals when applied beneath guidance thresholds, **what is unclear or unprovided at this point are the long term risks and threats not only to humans, but also to how the application of the product could impact the lake's ecosystem.**

SLA recommends that there be more time for scientists familiar with Skaneateles Lake and Microcystis to confer with scientists at EarthTec to better understand potential impacts together before a determination is made to allow for the use of EarthTec.

Lack of Reassurances regarding Proposed Treatment Application and Protocols

With sufficient time allowed to more adequately determine whether or not EarthTec is properly assessed as being a suitable choice as a product to treat Microcystis cyanobacteria, what is equally important in tandem, is to **provide more details regarding the treatment protocol of applications and monitoring operations** so that the community confidence exists regarding necessary safeguards.

While the permit application provides information on thresholds, triggers, and cessation guidance, **it is not clear on how the treatment application is incorporated into a well-established and vetted emergency action plan.** The City of Syracuse Water Department has verbalized intentions related to the application of EarthTec as a last resort, emergency use insurance policy that provides additional barriers in an overall plan, but there has not been provision of an implementation plan that includes a definition of the parameters of emergency use with various scenarios addressed. The development of this plan would be recommended before determination of use of EarthTec or other treatment systems would be recommended. The plan should include who makes what decision at which time based on what information, who the applicators are and what their safeguards are and what quality assurances exist to ensure proper application, what the plan is if for some reason the product is not applied correctly or in

event of a product spill, ascertaining the efficacy of the treatment proposal all together if a lake wide bloom continues to populate the north end with a migrating south end source or in the event that microcystin toxins at dangerous levels are sustained beyond the permitted application allowance period and would require additional application, and what the responsibility is of the City of Syracuse, the impacted municipalities, and the greater community to ensure effective communications to eliminate any exposure to the product after its potential use.

Additionally, regarding the application of the proposed treatment system, **SLA recommends a continued assessment of the strategy of applying technologies like ultrasound and products such as EarthTec into the Woodland Reservoir as opposed to the open waters of Skaneateles Lake.**

It is a more than reasonable expectation to see that the aforementioned is sufficiently addressed prior to determination of the use of EarthTec and/or other treatment systems.

Insufficient impact evaluation process

Due to the history of introduction of copper sulfate and its existence in geology, **it is recommended that a baseline of copper in the existing sediment be established prior to any potential further introduction into Skaneateles Lake.**

In regards to monitoring impacts of EarthTec, it would be **recommended that the NYSDEC provides other specific visual biological impact examples to look for beyond fish kills to trigger the cessation of the application of EarthTec.** Additionally, who's responsibility will it be to monitor the potential impacts?

SLA recommends that there be a sufficient operations, maintenance, and monitoring plan associated with the proposed treatment system.

Summary of Statements, Requests, and Recommendations

The Skaneateles Lake Association:

- **strongly opposes at this time the NYSDEC permitting the City of Syracuse the ability to introduce the algicide EarthTec into Skaneateles Lake.**
- **requests that the NYSDEC postpones determination on the permit request until significant concerns outlined in this comment can be adequately addressed by the City of Syracuse, NYSDEC, EarthTec, and the appropriate scientific community.**
- **requests that more information be provided regarding the selection of EarthTec and assessment of other alternatives if any.**
- **has concerns about the risks associated with treating Microcystis cyanobacteria with a product such as EarthTec that could remain in the lake's ecosystem over time.**
- **requests more information from an entity such as the Environmental Protection Agency on the potential impacts on a water body from EarthTec**
- **recommends that there is further investigation regarding what the impacts are to other similar bodies of water with similar application.**

- requests information on the long term risks and threats not only to humans, but also to how the application of EarthTec could impact the lake's ecosystem.
- recommends that there be more time for scientists familiar with Skaneateles Lake and Microcystis to confer with scientists at EarthTec to better understand potential impacts together before a determination is made to allow for the use of EarthTec.
- recommends that the City of Syracuse provides more details regarding the treatment protocol of applications and monitoring operations.
- requests that information is provided on how the treatment application is incorporated into a well-established and vetted emergency action plan.
- recommends a continued assessment of the strategy of applying technologies like ultrasound and products such as EarthTec into the Woodland Reservoir as opposed to the open waters of Skaneateles Lake.
- recommends that a baseline of copper in the existing sediment be established prior to any potential further introduction into Skaneateles Lake.
- recommends that the NYSDEC provides other specific visual biological impact examples to look for beyond fish kills to trigger the cessation of the application of EarthTec.
- recommends that there be a sufficient operations, maintenance, and monitoring plan associated with the proposed treatment system.
- recommends a stronger response of enforcement from the NYSDEC, NYSDOH, and City of Syracuse regarding the greater need for more stringent protections in our watershed.
- requests that the NYSDEC and the City of Syracuse to co-host an informational meeting for the public to have a venue to learn more on this issue and be given the opportunity to engage in a dialogue with experts and decision makers relative to the proposed permit application.
- requests that the NYSDEC and City of Syracuse continue to invest in and expedite the development of more benign treatment technologies, products, and strategies in the management, mitigation, and prevention of Harmful Algal Blooms.

Conclusion

The SLA values the role the NYSDEC, City of Syracuse, and other governing entities provide in ensuring environmental and public safety. We are fortunate to currently have good working professionals that exude great care for our natural resources, but also realize that we may not be as fortunate in the future, thus we are **recommending more formalized assurances** to protect current and future generations and also allow enough time for the good working relationships to produce better certainty on the pathway in addressing the threat of harmful cyanobacteria. **SLA also reiterates our prior request to the NYSDEC and the City of Syracuse to co-host an informational meeting for the public to have a venue to learn more on this issue and be given the opportunity to engage in a dialogue with experts and decision makers relative to the proposed permit application.**

It is clear since the onset of the major threat of harmful cyanobacteria blooms that there is a greater need for more stringent protections in our watershed enforced by the City of Syracuse in conjunction with the NYSDEC and NYS Department of Health. We strongly advise that these protections occur in the future with better controls including, but not limited to development, adverse water-based activities, unchecked timber harvesting, and continuing to increase farming participation in best management practices. Finally, SLA requests that the NYSDEC and City of Syracuse continue to invest in and expedite the development of more benign treatment technologies, products, and strategies in the management, mitigation, and prevention of Harmful Algal Blooms.

Thank you for your strong consideration of the aforementioned.

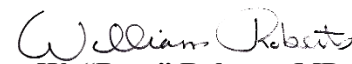
Sincerely on behalf of the Board of Directors, Skaneateles Lake Association Inc.,



Frank H. Moses
Executive Director



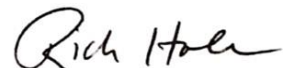
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Board President



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Board Vice President



Joseph E. Grasso, MILR
Board Secretary



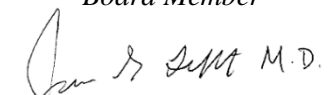
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Board Treasurer




Cornelius B. Murphy, Jr., PhD
Board Member



Fran Fish, RN, MS
Board Member-Membership Chair



James Tift, MD
Board Member – Community Outreach & Education Chair



Dana Hall, PhD
Board Member – Watershed Improvement Chair

Cc: City of Syracuse Mayor Ben Walsh; City of Syracuse Water Department Commissioner Joseph Auwald; City of Syracuse Watershed Quality Coordinator Rich Abbott; City of Syracuse Chief Policy Officer Greg Loh; Village of Skaneateles Mayor Mary Sennett; Village of Skaneateles Trustee Gregg Eriksen; Village of Skaneateles Trustee Tara Lynn; Village of Skaneateles Trustee Ed Evans; Village of Skaneateles Trustee Kathleen Zapata; Town of Skaneateles Supervisor Janet Aaron; Town of Skaneateles Councilor Courtney Alexander; Town of Skaneateles Councilor Kevin McCormack; Town of Skaneateles Councilor Mark Tucker; Town of Skaneateles Councilor Chris Legg; Town of Spafford Supervisor Christopher Kozub; Town of Spafford Councilor Christine Fesko; Town of Spafford Councilor Hannah Tigh; Town of Spafford Councilor John Hinchcliff; Town of Spafford Councilor Charles Parsons; Town of Niles Supervisor Joan Jayne; Town of Niles Councilor Steven Cuddeback; Town of Niles Councilor

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Clarence Edmonds; Town of Niles Councilor Bernard Juli; Town of Niles Councilor Joseph MacDuffee; Town of Scott Supervisor Guy Ruoff; Town of Scott Councilor Paula Arnold; Town of Scott Councilor Louis Martin; Town of Scott Councilor Trevor Adams; Town of Scott Councilor Neece Root; Town of Sempronius Supervisor Kevin Court; Town of Sempronius Councilor Joanne Andersen; Town of Sempronius Councilor George Glover; Town of Sempronius Councilor Herrick Kimball; Town of Sempronius Councilor John Bell; Cayuga County Legislator Mark Strong; Cortland County Legislator Kevin Fitch; Onondaga County Executive Ryan McMahon; Onondaga County Legislator Julie Abbott-Kenan; Onondaga County Office of the Environment Director Travis Glazier; Onondaga County Director of Clean Water Initiatives Mike Plochocki; New York State Assemblyman John Lemondes; New York State Senator John Mannion; New York State Senator Peter Oberacker; US Senator Chuck Schumer; US Senator Kirsten Gillibrand; US Representative John Katko; US Representative Tom Reed; NYSDEC Region 7 Director Matthew Marko; NYSDEC Finger Lakes Program Staff; NYSDEC Commissioner Basil Seggos