

June 22, 2020

Sent Via Email and US Mail

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Subject: SungEel (SMCC) Lithium Ion Battery (LIB) Recycling Facility
Huron Campus (Former IBM Campus) Endicott, NY

Dear Governor Cuomo:

We the people of Endicott and the surrounding community, are calling on you to oppose this so-called lithium ion battery (LIB) recycling facility that will damage public health and the environment in the Southern Tier. It is imperative that you direct your Empire State Development Corporation to cancel their \$1.75 million public subsidy to MCC (Metallica Commodities Corp) and SungEel, a South Korean company (collectively, "SMCC") for the development of this project. Based on the objections we outline in this letter, we firmly believe that the Title V hazardous air emission permit issued to SMCC by the DEC must be rescinded, and the entire project cancelled.

The desperate need for economic development in the Southern Tier is not understood better by anyone than the people of the Endicott and the surrounding area, and we are not opposed to lithium-ion battery recycling per se; however, we have serious concerns regarding the SMCC recycling process, which makes use of a rotary kiln coupled to an after burner (akin to a two-stage incineration unit) that will subject the battery components to temperatures above 1800 degrees F. We believe that this particular operation poses serious health risks to the Endicott community, still recovering from the deadly IBM TCE spill and chemical releases from Endicott-Johnson shoe factories. We understand there are different LIB recycling methods that are aqueous based and do not pose the same air quality threat as the SMCC high temperature process. These aqueous based processes should be sought out and employed in preference over those which make use of incineration or pyrolysis.

An ad hoc committee, known as No Burn Broome (NBB), was recently formed to investigate the nature of this recycling process and the Title V air permit that was issued to SMCC for the Endicott facility. They believe that DEC did not adequately scrutinize a first-of-its-kind in the US LIB incineration process and relied too heavily on information provided by SMCC itself in

reviewing and approving the air permit application. Most disturbingly, a full Environmental Impact Statement (EIS) was never prepared. The chemistry of subjecting lithium-ion battery components (which include several fluorinated compounds) to high temperatures has not been fully studied and therefore we do not believe the regulatory community, nor anyone else, knows the full scope of how the resultant hazardous air pollutants should be regulated and monitored. Until the chemistry of this process is fully studied and understood, there is no way for DEC to protect human health and the environment in this matter. The recent discovery of a PFAS compound used in LIBs noted below is the perfect case in point.

What is clear is that fluorinated compounds found in lithium-ion battery electrolytes (e.g., LiPF_6) and binders (e.g., PVDF) have the potential to produce significant amounts of hydrogen fluoride (HF), a most corrosive and perniciously toxic compound.

During the course of the NBB research, they found that at least one PFAS compound; lithium bis(trifluoromethanesulfonyl) imide, is used as an electrolyte in some of these batteries, and it is only now, after the Title V air permit was issued in March 2020, that this matter is being looked into by DEC to determine whether SMCC can adequately incinerate a highly toxic compound that is designed not to burn. We know that PFAS contamination is being found in groundwater monitoring wells all over the State and is a major concern of the DEC. The recent PFAS release from the Norlite incinerator in Cohoes is a mistake that must not be repeated. While not currently regulated, DEC is requiring PFAS data for everything from drinking water to backfill for site remediations and evaluating these data for regulatory decision making.

SMCC's measurements for dioxins which relied on a single short-term sampling event when production of these pollutants can vary by over 1000-fold in a single operation shift were found to be questionable and not making use of more representative sampling methods commercially available. Also, while not currently regulated, the potential for highly toxic nanoparticles was never assessed. These concerns are detailed in a NBB white paper entitled "Chemical and toxicological concerns about the SMCC (SungEel) facility proposed for Endicott, NY" which was submitted to Basil Seggos, DEC Commissioner, on June 1, 2020 and will be released to the public on Wednesday June 24, 2020 and found at the NBB website – <https://noburnbroome.com>¹

The DEC and SMCC have repeatedly referenced pollution control devices that would mitigate emissions of the pollutants we have raised as exposure concerns. One such system is a wet

scrubber that makes use of sodium hydroxide, presumably to neutralize significant quantities of HF produced during the incineration process. We understand that the intent is to ensure the safety of the public and facility workers; however, we all know that nothing works 100% all the time. But no one; neither the community nor the DEC, would ever really know what is actually being released from the stack because the Title V permit only requires one stack test per year for the most toxic air pollutants. A good analogy for this arrangement would be like trying to enforce a Village speed limit by setting up one speed trap per year and announcing to the Village where and when it is going to be.

With LIB's being prone to catching fire, the risk of a chain reaction fire of catastrophic proportions is a real possibility. The LIB staging facility is proposed to be precariously located across the street from the incinerator building, immediately adjacent to a NYSEG substation. A LIB fire would release dioxins, furans, HF, and a host of other toxins unabated into the community. And the water used to put out the fire would be contaminated as well, soaking into the ground and into the storm sewer system. We posit that such a disaster would be at least as bad, if not worse than what happened to the State Office Building in Binghamton, NY when in 1981 a transformer fire contaminated that building with dioxins and furans and took over a decade and \$53 million dollars to remediate. To date, we have not seen any type of formal emergency action plan to address this type of disaster for the LIB recycling plant.

While we agree that economic development for Endicott is much needed and the concept of repurposing the empty buildings left behind by IBM was driven by good intent, the risks to a community already rocked by the IBM TCE spill in 1979 (as well as previous industrial contamination of the area from the Endicott-Johnson shoe factories) have not been adequately considered.

While the IBM TCE plume has been reduced through years of costly remediation, it still exists. We have heard countless stories of people who live in the plume area and have suffered and died horrendous deaths as a result of these so-called "IBM cancers" (cancers produced by chemicals used by IBM Endicott). Published health studies from 2006², 2008³ and 2012⁴ cite significantly elevated incidences of testicular cancer and kidney cancer in the local community, and well as low birth weights and cardiac birth defects.

Many local citizens and people beyond Endicott's borders believe that this high temperature LIB recycling facility is unsuitable for the Village of Endicott given the proximity of the proposed facility to residences, ball fields, swimming pools, and schools, especially for a community that is already compromised by environmental pollutants. In the end, it would likely drive people out of the community and discourage others from coming in, driving the Village into further economic decline rather than to restore it to a thriving prosperous community of days long gone by.

Over 4,100 people in the area have signed petition against this facility, yet Endicott Mayor Linda Jackson, and Village Trustees Cheryl Chapman, and Eileen Koneckny have been most determined to get the facility in the Huron Campus without delay. And, Mayor Jackson has been disallowing the public to speak during Village Council ZOOM meetings, effectively flouting our first amendment rights to continue a discussion regarding this matter, in the midst of a pandemic, no less. Why are these local officials so determined? What is in this for Endicott? Twenty or so high-risk jobs and the potential for yet another environmental disaster? SMCC as a renter will not pay a dime in property taxes.

We find it especially egregious that ESD used our taxpayer money to undertake this project. As you know, we are one of the highest taxed states in the union. When you were asked by the media why taxes in New York are so high, you said it was "Because we take care of our people." Is that ALL of our people? Does that include the Village of Endicott? We deserve something better than a battery incinerator in our backyard. We deserve economic development that will not put us at risk of more environmental pollution, sickness, and death.

We implore you to intervene in this process which has taken our money and used it against us. Please stop this now! Please use this money to promote truly green economic development in Endicott, not an incinerator masquerading as a green recycling facility. We have already heard from local officials, the DEC, SMCC, and thus far their response has been inadequate and dismissive. Governor Cuomo, we want to hear from you personally. Please address a response to John Ruspantini at jjruspantini@yahoo.com.

Respectfully,

The People of Endicott and the Surrounding Area

John Ruspantini – Endicott	June Leonard – Endicott
Cheryl Ruspantini – Endicott	Rob Tiberi – Endicott
Calli Nedbalski – Endicott	Lori Tiberi – Endicott
Olwen Searles – Endicott	Robert A Tiberi – Endicott
Richard Wroblewski – Endwell	Anthony Lovaglia – Kirkwood
Anthony Tiberi – Endicott	Michael Bates – West Corners
Jessica Tiberi – Endicott	Mary Ann Dorner – Endicott
Jackie Tiberi – Endicott	Patrick Dorner – Endicott
Carol Layton – Endicott	Paul Connett – Binghamton
Howard Warner – Vestal	Ellen Connett – Binghamton
Teresa Farrell – Endicott	George Fiedler – Endicott
Anne Marie Ruspantini – Endwell	Cheryl Mancini - Endicott
John F. Ruspantini – Endwell	Joseph Mancini – Endicott
Tina Ruspantini – Endwell	Carolyn Mancini – Endicott
Sandra Mancini - Endicott	Cara Conti – Endicott
Ellen Tiberi – Ipswitch, MA (formerly of Endicott)	John Conti – Endicott
Vince Spinelli - Endicott	Janet Grasso – Endicott
Christine Ellison – Endicott	Angelo Grasso – Endicott
Thomas O'Brien – West Corners	Mike Grasso – Endicott
Dave Grasso – Endicott	Laura Grasso – Endicott
Linda Mancini – Endwell	Patti Bartolillo - Kirkwood
Tom Lanza – Endicott	Marsha Lanza – Endicott
Joseph Dorner – Endicott	Isabella Martini – Endicott
Jenny Quartararo – Endicott	Janice Mix – Endicott
Rosa Pipher – Endicott	Pat Virgilio – Vestal
David Pipher – Endicott	Joan Kellett – Endicott
Dan Patrick - Endicott	Anna DePalo – Endicott
Stella Holowatch – Endicott	Eileen O'Connor – Endicott
Toby Lyon – Endicott	Ruth Tiberi – Endicott
Jim Alise – Endicott	Betty McDonald – Endicott
Diane Alise – Endicott	Mary Patrick – Endicott
Millie Sylvester – Endicott	Robert Musa – Endicott
Johanna Gehl – Endicott	Laura Musa – Endicott
Paulett Walsh – Endicott	Douglas Rutter – Endicott
Tony Bongiorno – Endicott	Angela Alimonti – Endicott
Patricia Crescente – Endicott	Francine Alimonti – Endicott
James M. Dutcher – Endicott	

References:

1. Connect P. and Ruspantini J. 2020. Chemical and toxicological concerns about the SMCC (SungEel) facility proposed for Endicott, NY. White Paper submitted to DEC Commissioner Basil Seggos.
2. Agency for Toxic Substances and Disease Registry. 2006. [Health consultation: Endicott area investigation: Health statistics review: Cancer and birth outcome analysis, Endicott area, town of Union, Broome County, New York](#). By HERO ID 730426. Technical Report.
3. Clapp RW and Hoffman K. 2008. [Cancer mortality in IBM Endicott plant workers, 1969–2001: an update on a NY production plant](#). *Environmental Health* 7:13.
4. Forand SP, Lewis-Michl EL, Gomez MI. 2012. [Adverse Birth Outcomes and Maternal Exposure to Trichloroethylene and Tetrachloroethylene through Soil Vapor Intrusion in New York](#). *Environmental Health Perspectives* 120(4):616-621.