ForeverChemicals NY

An Independent Public Interest Campaign — New York State

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Hope Knight

President, CEO and Commissioner

Empire State Development

5 Grand Central East — 4th Floor

New York, NY 10017

Re: Green CHIPS Sustainability Plan for Micron Technology — "Sustainable Wastewater Management" Must Be Defined to Include PFAS Destruction Before the Oak Orchard Design-Build Contract Is Awarded

Dear Commissioner Knight:

I am the founder of ForeverChemicals NY, an independent public interest campaign focused on PFAS discharge risks from Micron Technology's semiconductor campus in Clay, New York. I write to you because Empire State Development holds a lever that no other agency in this matter possesses: the approval of Micron's Green CHIPS Sustainability Plan, which is a condition of $5.5 billion in state incentives, and which has not yet been finalized.

That approval is your authority. This letter asks you to use it.

I. The Sustainability Commitment Micron Has Already Made

As part of New York's Green CHIPS program, Micron is required to submit a Sustainability Plan subject to ESD's approval in consultation with NYSERDA. The published sustainability requirements include, verbatim, a commitment to:

> "Commit to environmentally sound practices, including green infrastructure such as permeable pavement, stormwater runoff management solutions, and sustainable wastewater management."

Micron agreed to this commitment. It is a named condition of receiving Green CHIPS tax credits. The Sustainability Plan governing this commitment has not been finalized. ESD has not yet approved it.

The phrase “sustainable wastewater management” is undefined. That is the gap this letter asks you to close.

II. What Sustainable Wastewater Management Must Mean for a Semiconductor Fab

New York State’s own environmental agency has answered this question. On December 11, 2025, DEC Commissioner Amanda Lefton announced a suite of new PFAS protections and stated plainly that “it is difficult for wastewater treatment plants to completely eliminate” PFAS inputs. DEC’s own guidance, finalized the same day, states that “industrial dischargers of PFAS-laden waste should be required to remove the PFAS, since few public treatment plants have the technology to do so.”

The science behind this position is unambiguous:

- Cornell University / Jacob et al. (Environmental Science & Technology, 2021) identified 133 distinct PFAS compounds in semiconductor fabrication wastewater — most of which are not captured by standard regulatory test methods.
- The Semiconductor Industry Association’s own 2025 survey found an average of 840 nanograms per liter total PFAS in fab effluent — 210 times the federal drinking water MCL for PFOA and PFOS individually.
- The SIA’s own Vice President has stated on the record that current analytical methods “are incapable of characterizing” certain PFAS species present in fab discharge.
- Micron’s Clay campus is projected to discharge 30.8 million gallons per day — more than four times the largest fab in the SIA survey.

Micron’s industrial wastewater will discharge through the Oak Orchard Wastewater Treatment Plant in Clay, then into the Oneida River, the Oswego River, and ultimately Lake Ontario — approximately 1.5 miles from the shared drinking water intake serving 500,000 Central New Yorkers via the Onondaga County Water Authority and the City of Oswego.

The current SPDES permit for Oak Orchard contains zero enforceable PFAS discharge limits. Micron’s own consultant told DEC in November 2025 that Micron is “still developing PFAS segregation and treatment technologies” and that establishing PFAS discharge limits was “not identified as a critical path issue.”

For a semiconductor fab discharging into a public drinking water watershed, “sustainable wastewater management” cannot mean a system designed without knowing what it must treat. It cannot mean treatment technology selected before the waste stream is characterized. It cannot mean zero enforceable limits on the most bioaccumulative industrial chemicals the facility uses.

III. The Design-Build Window — Why This Must Happen Now

The industrial treatment facility for Oak Orchard has not been designed. The design-build contract has not been awarded. This is the last point at which the treatment system's requirements can be set. Once the contract is awarded and the treatment train is locked in, the technology selection is fixed for decades.

Onondaga County's engineering consultant (Brown & Caldwell) has estimated the industrial treatment facility cost at $1.4 to $2.6 billion — a facility whose design is currently at roughly 10% completion (AACE Class 5, –50%/+100% accuracy). If that design is finalized around a treatment system that does not address PFAS, the cost of retrofitting it later will be borne by the public, not by Micron.

The Sustainability Plan approval is the intervention point. It is within ESD's authority. It does not require reopening the SPDES permit. It does not require legislation. It requires ESD to define, before approving the plan, what "sustainable wastewater management" means for a facility of this type, scale, and location.

IV. What We Are Requesting

We respectfully request that ESD, before approving Micron's Green CHIPS Sustainability Plan, require that "sustainable wastewater management" be defined in the approved plan to include the following:

1. Full PFAS chemical disclosure to Onondaga County and NYSDEC of all PFAS compounds present in Micron's process chemicals, wastewater streams, and scrubber effluent — without NDA restrictions that prevent the treatment system's engineers from knowing what they are designing for.
2. Non-targeted PFAS characterization of Micron's wastewater — including methods beyond EPA Method 1633A that can identify the "dark PFAS" compounds documented in fab effluent by Cornell University — completed before the design-build contract for the Oak Orchard industrial treatment facility is awarded.
3. PFAS destruction technology, not filtration or concentration, as the required treatment endpoint. Reverse osmosis and granular activated carbon concentrate PFAS into a waste stream that must then be managed; they do not destroy it. Destruction technology — verified high-temperature incineration, advanced electrochemical oxidation, or equivalent — must be specified in the treatment system design.
4. Annual public reporting of PFAS discharge concentrations from the Oak Orchard facility, covering all compounds in the approved Sustainability Plan monitoring program, with results posted to a publicly accessible portal.
5. A commitment that Micron will not seek or accept NDA restrictions with chemical vendors that prevent Onondaga County or NYSDEC from accessing the PFAS compound list required to properly design and operate the treatment system.

V. This Is Not a New Condition. It Is the Definition of One Micron Already Agreed To.

We want to be precise about what we are asking. We are not requesting that ESD impose a new environmental requirement on Micron. We are asking ESD to define a term in a commitment Micron has

already made, in an agreement Micron signed, as a condition of incentives that have not yet been fully disbursed.

New York State has called this program “Green CHIPS” and marketed it nationally as proof that economic development and environmental sustainability are not in conflict. The semiconductor campus in Clay will be the largest private investment in state history. It will define the environmental and economic legacy of this administration.

A Sustainability Plan that commits to renewable energy, LEED Gold, and permeable pavement — while leaving the treatment of the facility’s most persistent, bioaccumulative, and toxic waste stream undefined — is not a sustainability plan. It is a gap.

The window to close it is still open. The design-build contract has not been awarded. ESD’s approval of the Sustainability Plan has not been granted. The leverage is yours.

This letter has been reviewed by Don Hughes, Conservation Chair of the Sierra Club Central New York Chapter, a licensed environmental chemist and former wastewater engineer. Full source documentation for all factual claims is publicly available at foreverchemicalsny.com.

Respectfully submitted,

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cc: Governor Kathy Hochul, Office of the Governor

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