

July 13, 2026

Amanda Lefton
Commissioner
New York State Department of Environmental Conservation
625 Broadway, Albany, New York, 12233

Re: DEC Oversight of Proposed STREAM U.S. Data Centers BUFA Double Reed Project

We are elected officials and organizations writing to publicly thank the New York State Department of Environmental Conservation (DEC) for its rigorous enforcement of state law and commitment to carrying out the agency's consultation mandate with respect to the Tonawanda Seneca Nation and the proposed STREAM U.S. Data Centers BUFA Double Reed Project at the STAMP mega industrial site in Alabama, NY.

We also ask DEC to refrain from issuing any approvals or permits to STREAM until and unless the company is able to produce a complete site plan application. Finally, we urge DEC to ensure that the STAMP developer, the Genesee County Economic Development Center (GCEDC) expeditiously carry out the [new wetlands delineation on the site as directed by DEC](#), and that DEC carries out a Part 182 Jurisdictional Determination for the STAMP projects sites [per the Tonawanda Seneca Nation's June 18 request](#).

In both the review of GCEDC's process as SEQR lead agency and its review of application materials from STREAM U.S. Data Centers, DEC has demonstrated appropriate and warranted rigor and thoroughness. This is especially appreciated given the additional challenges posed by the lack of an existing regulatory framework pertaining to hyperscale data centers.

While DEC declined to take lead agency status for purposes of SEQR review of the proposed data center complex, the agency [sent a letter to GCEDC on January 28](#) outlining a set of recommendations to GCEDC acting in its capacity as lead agency. These recommendations were grounded in state law and reflected an appreciation by DEC that our Environmental Conservation Law and regulations support demands voiced by the Tonawanda Seneca Nation over many years with respect to industrial development at STAMP. These recommendations included, notably:

- For the first time, DEC directed GCEDC to conduct a Supplemental Environmental Impact Statement (SEIS) for the STAMP site as a whole and for data centers specifically. This guidance represented a meaningful turning point for environmental review at STAMP and answered the Nation's decade-long call for a robust SEIS for STAMP.
- DEC also stated that this SEIS must include consideration of the results of a noise study that STREAM U.S. Data Centers (STREAM) has promised to conduct (but hasn't conducted yet), and must include detailed analysis of impacts from both construction and operations of the massive data center complex.

- Most importantly, DEC made clear that GCEDC's environmental review cannot be completed until it assesses cultural and environmental justice impacts to the Tonawanda Seneca Nation. Again, DEC has finally responded to a demand the Nation has been making for the last decade.

Since then, DEC has shown continued dedication to upholding regulatory standards with respect to the proposed data center. At a time when the scope of the state's Climate Law has been recently and significantly curtailed, we particularly appreciate DEC's commitment to enforcing those aspects that are still in effect.

For example, [on March 17, DEC informed STREAM's consultants, Ramboll](#), that its application for an Air State Facility permit would be subject to the Environmental Justice Siting Law (EJSL) and the Climate Leadership and Community Protection Act (CLCPA). DEC also informed STREAM that this permit would be subject to Commissioner's Policy on Environmental Justice, CP-29, which requires important enhanced public participation measures, including measures specific to the Nation required by a Letter of Resolution agreement among DEC, GCEDC, and other agencies.

[When STREAM announced that they had modified their site plan so as to no longer require them to apply for an air permit](#), DEC responded appropriately, requiring that STREAM identify the alternatives it will use to provide backup power, submit additional information demonstrating that any alternatives meet stringent requirements, and to provide such responses by June 15.

By responding in the ways enumerated above, DEC has established a strong precedent in its review of proposed hyperscale data centers. We urge the agency to continue to adhere to these practices in future review of data centers and other large load users, particularly when such facilities are located near to Disadvantaged Communities and Potential Environmental Justice Areas. We hope that climate and environmental justice groups across the state can trust this precedent to continue in the future.

Furthermore, we want to express appreciation to DEC for its commitment to upholding those aspects of the 2022 amendments to the New York State Freshwater Wetlands Act that remain in effect. [On June 2, DEC sent a letter to GCEDC](#) stating that the DEC requires a current delineation of wetlands on the STAMP site, due to (1) the prior determination that there are more than 12.4 acres of wetlands on the STAMP site and (2) the 2022 wetlands amendments to the ECL remaining in effect despite annulment of the corresponding regulations. This directive from DEC corresponds with a longstanding request for such by the Tonawanda Seneca Nation.

We hope and expect that DEC will continue to uphold CP-42 as well as relevant and applicable portions of the CLCPA, the EJSL, and other state environmental law and policy intended to ensure environmental quality for all NY residents in its ongoing oversight of the proposed data center complex at STAMP.

Moreover, we reiterate our request that DEC refrain from issuing any approvals or permits to STREAM until and unless the company is able to produce a complete site plan application. This request has gained new urgency given [recently disclosed and troubling information](#) concerning the geotechnical engineering and stormwater management requirements of the project, as described in a [June 18 letter by the Sierra Club](#). These permits and approvals may include but are not limited to:

- Approval of STREAM's Stormwater Pollution Prevention Plans (SWPPPs);
- Approval of Basis of Design Report (BODR) for the wastewater pump stations and "force main" pipeline intended for STREAM's sanitary wastewater disposal;
- Approval of the sewer extensions required for STREAM's sanitary wastewater disposal;
- Any permits/approvals required for natural gas or diesel generators associated with the STREAM project;
- Any Part 182 permits required by STREAM for incidental take of Bald Eagles or other threatened/endangered species present on its proposed project site at STAMP.

In closing, we again urge DEC to ensure that GCEDC expeditiously carry out the jurisdictional determination of wetlands on the site as directed by the agency, and also that DEC carry out a Part 182 Jurisdictional Determination for the STAMP projects sites per the Tonawanda Seneca Nation's request.

Sincerely,

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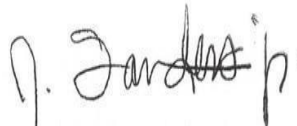
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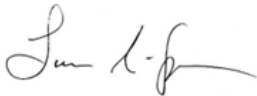
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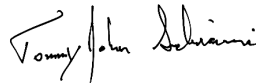
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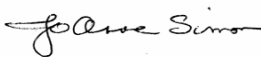
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