



**Sent Via Email Only**

February 26, 2026

Robert Martin  
ESMI of New York LLC  
304 Towpath Lane  
Fort Edward, NY 12828  
[rmartin@cleanearthinc.com](mailto:rmartin@cleaneearthinc.com)

**RE: Determination to Hold Public Comment Hearing  
DEC Application # 5-5330-00038/00027 (SW RD&D)  
ESMI of New York LLC  
Fort Edward (T), Washington County**

Dear Robert Martin:

The public review and comment period for the referenced permit application closed on February 17, 2026. The Department received more than 500 comments from the public as well as letters from local and state elected officials expressing concerns with the project and requesting a public comment hearing. Under 6 NYCRR 621.8(c), the Department has “discretion to hold a public comment hearing ... if a significant degree of public interest exists, as determined by the department.”

Given the degree of public interest and concern as reflected by the number and content of the comments received, the Department has determined that a public comment hearing is required. Department staff are actively working with our Office of Hearings and Mediation Services to schedule the public comment hearing and will follow up with your office once a date and time has been selected.

Please feel free to contact me at [beth.magee@dec.ny.gov](mailto:beth.magee@dec.ny.gov) with any questions on the above.

Sincerely,

Beth A. Magee  
Deputy Regional Permit Administrator

ec: Erin Donhauser – DEC  
James Hogan – DEC  
Aaron Love – DEC  
Thomas West – The West Firm  
Katelyn White – DEC  
Yuan Zeng – DEC