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Jeremy Rosenthal,
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Subject: UWNY Scoping

Re: United Water New York EIS scoping comments

Dear Mr. Rosenthal,

I am an environmental planner and my work focuses on water resources management and energy efficiency and sustainable design. I am writing as an interested citizen, and not on behalf of any organization or agency, but for reference I am a member of the Steering Committee for the Hudson River Watershed Alliance, an educational clearinghouse and networking organization for the Hudson River basin, and am a consultant to the Hudson Valley Regional Council, a 7-county governmental agency with which I am working on energy efficiency and water resources management issues, and whose geographic coverage includes Rockland County.

The proposed desalination project in Rockland County raises a number of important issues that should be addressed in the EIS. I offer the following suggestions as specific questions for the scoping process, at least some of which do not seem to be specifically included in list of potential adverse impacts in the the April 2, 2009 Positive Declaration from the Department.

1) How will the proposed desalination plant affect future water efficiency programs? If it is completed, will this plant in effect disincentivize and discourage implementation of water efficiency and conservation programs? UWNY will have a strong financial incentive to ensure that enough water is produced and sold to maintain the profitability of this plant and in combination with other factors this could act as a significant deterrent for future water efficiency measures.

2) What economic impact might there be on customers of UWNY if there is not enough demand for water produced by the proposed desalination plant and UW then seeks to increase water rates to cover this shortfall? What economic impact will result from future energy prices rising to various levels, and at what point would the cost of electricity lead to

water rates that would likely lead to voluntary conservation measures by customers, thereby reducing demand for water from the proposed plant?

3) The EIS should address in detail the potential for alternatives to this proposed plant, including enhanced water efficiency and conservation programs for existing and new buildings and other users of water in the relevant UWNY service area. Given that UWNY may not have adequate existing authority to implement water conservation programs to the full extent that the technology and other needed resources would allow, there is apparently a need for an improved legal and regulatory framework to facilitate these opportunities. The EIS should explain the current framework, and identify changes in state laws, regulations and policies that would enable UWNY (and other utilities and water suppliers) to focus on water conservation measures as the first priority in addressing water supply needs in Rockland County and other areas. The EIS should discuss roles of other agencies including the NYS PSC and how existing obstacles to water conservation might be addressed through regulatory or policy changes.

4) NYS DEC's stormwater programs have a growing emphasis on the use of site design and management practices (low impact development, also called better site design and green infrastructure) that maximize groundwater recharge, reduce surface runoff, encourage rainwater harvesting and reuse for irrigation and potentially other uses. Other relevant, recent and current initiatives in NY State include the state's water reuse law of 2005 and the January 2009 guidance document, "Promoting Smart Growth and Energy Efficiency through the State Revolving Funds- Draft Final Report" developed at the request of Commissioner Grannis (both attached for reference.) The latter document includes the following goal as one of its organizing principles: "Strive to incorporate both energy efficiency and water conservation into all infrastructure projects, as both reduce costs and benefit the environment." While this guidance document is aimed primarily at guiding allocation of the SRF funding, these water and energy efficiency goals are clearly emerging as overall priorities at the state and Federal level. How will the UWNY proposal be consistent with these state initiatives, trends and policies?

5) The EIS should carefully examine energy consumption issues and the local and regional implications for construction of a major new facility that will use large quantities of electricity.

6) The potential impacts on water quality in the Hudson River and its tributaries should be evaluated, in terms of the impacts of water withdrawals, discharges of wastewater to treatment plants, and the ability of existing treatment plants to properly treat the specific wastewater stream from a desalination facility.

7) The EIS should discuss the state's existing regional water resources strategy for this region, "Delaware-Lower Hudson Region Water Resources Management Strategy, January 1989," which was developed and adopted by the state's Water Resources Planning Council. How does the proposed desalination plant fit with the findings and recommendations of this official strategy? Is there a need for an updated regional strategy that takes into account changes since 1989? What is the regional impact of the proposed desalination plant, and

how can DEC's existing water resources planning framework address these regional impacts, and is there a need for revising this framework to enable effective regional water resources planning?

Thank you for the opportunity to comment.

Simon Gruber