

# ALEXIS L. STARKE

156 Kings Hwy, Tappan, NY 10983  
ALEXIS.STARKE@ALUM.DARTMOUTH.ORG  
845.359.0495

Mr. Jeremy Rosenthal  
NYSDEC, Division of Environmental Permits  
625 Broadway 4<sup>th</sup> Floor  
Albany, NY 12233-1750

21 May, 2009

Dear Mr. Rosenthal and New York State Department of Environmental Conservation,

Thank you for the opportunity to suggest elements for inclusion in the draft environmental impact statement for United Water/ Suez Environment's proposed Hudson River desalination/ water treatment plant.

## Request for Extension of Deadline on Scoping Comments

I ask the DEC to extend the scoping process beyond the current May 22 deadline. United Water Suez's proposed Hudson River desalination/ water treatment plant concerns not only Rockland County, but the Hudson River Valley as a whole. As this is a watershed issue, it concerns not only Rockland County, but our neighbors in Orange County and across the State border into New Jersey. As the Hudson River Valley was declared a National Heritage Area by act of Congress in 1996, this becomes a national issue. **Indeed**, the environmental and social consequences of desalination are of global concern. At present, people simply do not know about Suez's proposal. It has not received significant coverage in the local press and little if any coverage in the press beyond Rockland. United Water Suez has made no attempt to involve the public in the scoping process. Search "Hudson River Desalination" or "Hudson River water treatment" on their website ([www.unitedwater.com](http://www.unitedwater.com)) and the only item retrieved is a 2008 glossy corporate brochure on the Suez corporation. Local environmental organizations have not had adequate time to alert and inform the public about Suez's proposal; this is a complex issue that requires time and research to understand. Nor have local organizations had the time to communicate with all the state and national environmental and social justice organizations that could provide valuable commentary. The New Jersey Department of Environmental Protection, the US Department of the Interior (the federal agency administering the National Heritage Area program, of which the proposed desalination plant site and the Hudson River itself is a part), as well as all Hudson River Towns, the Hudson River Fishermen's Association and other recreational, history-based and environmental, and watershed organizations such as the Ramapo River Watershed Intermunicipal Council, Ramapo River Committee, Sterling Forest Partnership, Hackensack Riverkeeper, Bergen Swan, West Branch Conservation Association, the Highlands Coalition, Hudson River Watershed Alliance, and the Hudson River Valley should be notified. I would suggest three more months for written comments and at least one more public hearing in a place other than Haverstraw.

### Request DEC reconsider allowing “Pilot Plant” without EIS

I ask the DEC to reconsider its decision to let United Water Suez construct a Hudson River desalination/ water-treatment “pilot plant” at this time. I ask that the pilot plant not be exempt from the SEQRA review process as it does not only effect the lot upon which it is to be built; due to the classification of Haverstraw Bay pursuant to the State Coastal Zone Management program; as Haverstraw Bay is designated by the US Department of State as a “significant coastal fish and wildlife habitat;” and as Haverstraw Bay contains species classified as threatened or endangered. The DEC must consider that it is the most extensive area of shallow estuarine habitat in the lower Hudson and in New York State; shortnose sturgeon regularly occur here and winter here; the area is popular for commercial and recreational fishing; the brackish water over shallow bottom provides ideal conditions for biological productivity within the estuary; Haverstraw Bay provides nursery habitat for American shad, striped bass, white perch, tomcod, and Atlantic sturgeon.

### Scoping Comments for DEIS

#### NEED

I ask that the DEC review the 2006 joint rate case with the New York Public Service Commission (PSC) upon which this whole proposal is based. This rate case seems to indicate that water conservation and efficiency cannot be counted toward the requirement for increased water volume (EIS Appendix 2.1 - Exhibit 11 Page 147 of 152). I ask the DEC to analyze potential revisions to the rate case and how such revisions could alter the calculated need for water. The DEC should analyze how the PSC could revise this directive to allow that water conservation and efficiency can be counted toward the requirement for increased water volume.

In a broader sense, the DEC must decide if the PSC’s regulations are in line with current local, state, and national goals of environmental sustainability, conservation of open space and natural resources, and carbon footprint reduction. How could the PSC’s regulations be updated and changed to reflect our current goals? How would updated regulations impact this proposal?

The DEC should consider how much influence did United Water/ Suez Environment have in drafting the PSC regulations?

I ask that the DEIS prove that there actually is any need at all for an increased water supply for Rockland County. United Water/ Suez Environment’s and the Rockland County Health Department’s calculations of need are inadequate and outdated. The calculation of need must take into account (and currently does not) the results of the US Geological Survey Rockland County Water Resources Assessment which will not be completed until December. The DEC’s calculation of need must take into account effective measures of water management and efficiency that are already in place such as the new MS4 regulations, storm water discharge improvements, and treatment of wastewater to recharge aquifer (as currently carried out in Ramapo). The calculation of need must account for all water resources in the region, not just in Rockland County. Watersheds cross over county lines.

The DEIS should analyze the legitimacy of the sources of this so-called need (overdevelopment, poor planning guidelines, no regional water management, no water efficiency/ conservation

measures in Rockland). If these sources of need are themselves outdated, questionable, and unsustainable, then the need itself must be questioned.

I ask the DEC to fully analyze the potential decrease in 'need' for water through improved planning laws, regional water management, and water efficiency/ conservation measures for the County of Rockland.

The DEIS must consider the possibility of other limiting factors decreasing construction and subsequent water need in Rockland. Large scale developments are meeting with widespread public opposition for numerous reasons including increased traffic, increased infrastructure costs, decreasing open space, etc. Construction proposals are meeting other limiting factors such as limits in electric supply and infrastructure capability. For example, Orange and Rockland Con. Ed. claims the Town of Orangetown needs at least 2 new electrical sub-stations to meet projected need, but it cannot find places to build these substations. Each location they choose is met with public outcry and protest.

#### IMPACT

The DEIS must evaluate how this proposal would fit into current local, State, and National goals of sustainability and conservation of water, land, fish, wildlife and air resources; goals for the protection of marine resources, coastal resources, wetlands, estuaries, and shorelines; goals of promoting sound practices for river valleys and other uniquely valuable areas; goals to preserve natural beauty and scenic areas; and goals to reduce waste and energy consumption.

I ask the DEC to fully evaluate the impact upon the ecology of the Hudson River including all the many forms of life that inhabit it. Obviously this study must take into account the fact that different species utilize this habitat at different times of the year and to differing degrees on a year to year basis. The DEIS must fully consider the facts that this specific portion of the Hudson River has been designated by the US Department of State as a "significant coastal fish and wildlife habitat;" it is the most extensive area of shallow estuarine habitat in the lower Hudson and in New York State; shortnose sturgeon regularly occur here and winter here; the area is popular for commercial and recreational fishing; the brackish water over shallow bottom provides ideal conditions for biological productivity within the estuary; Haverstraw Bay provides nursery habitat for American shad, striped bass, white perch, tomcod, and Atlantic sturgeon.

I ask the DEC to fully consider the classification of Haverstraw Bay pursuant to the State Coastal Zone Management program; the fact that Haverstraw Bay is designated by the US Department of State as a "significant coastal fish and wildlife habitat;" and the fact that Haverstraw Bay contains species classified as threatened or endangered.

The DEC must analyze the potential impact of this proposal upon the ecology of the Atlantic Ocean into which this river flows.

The DEC must analyze potential environmental impacts upon the tributaries which enter into the river.

The DEC must fully analyze the potential impacts of setting a precedent for desalination plants as a water source for both the State of New York and the State of New Jersey. What would the environmental impact of more desalination plants constructed on the Hudson River be?

The DEC must consider the consequences of setting a precedent in the context of our nation. What will the environmental impact of more desalination plants across our country be? How will they impact our conservation and sustainability efforts nationally? Globally?

The DEC must consider how the desalination plant would affect water conservation efforts in Rockland. Would the motivation for conserving water in Rockland be taken away? What would be the negative side effects and repercussions of this?

The DEIS must consider how this desalination plant would affect open space acquisition. Currently, a significant justification and motivation for acquiring and protecting open space is that it helps to increase and improve our supply of drinking water. How will a desalination plant alter this situation? Will we have fewer reasons for acquiring open space and therefore will we acquire and protect less open space? What will this impact be upon our local environment?

The DEC must consider how this plant could “encourage” over development and unsustainable development in Rockland. Will this plant take away motivation for conservation and sustainability in Rockland?

The DEC must fully analyze all possible health impacts from drinking this water. What are the cumulative impacts? What are the impacts upon pregnant women, fetuses, and children; what are the impacts upon the sick and the elderly? Health impacts should not only consider the health impacts upon a healthy adult male.

The DEIS must consider, what would be the outcome of a situation where the plant is built and increased water efficiency/ conservation is simultaneously achieved in Rockland? How much rate-payer money would have been wasted? How much environmental degradation would have been in vain?

The DEC must consider how this situation would be different if it were a municipality rather than a global corporation in charge of our water supply. How is profit motivating this proposal? How would the motivations of a municipal water company be different? How would these different motivations affect this proposal?

The DEC needs to evaluate the cumulative impact of all proposed discharges from this plant into the Hudson River.

The DEC needs to evaluate the cumulative impact of all other waste produced by this plant. Where will waste be transported? What will be the environmental impact of the waste at its final destination? What will be the environmental impact of the waste’s transport?

The DEC needs to evaluate the effect on the Joint Regional Sewage Treatment plant, its capacity to deal with increased input, the effect of reduced capacity for other municipal needs, and all associated costs to tax payers.

The DEC must analyze the consequences of the Joint Regional Sewage Treatment plant being responsible for discharge violations. How will this affect the burden put upon the taxpayer and municipal resources?

The DEC needs to evaluate all costs to tax payers including road services, sewer services, and future environmental clean-ups.

The DEC must evaluate the impact upon our utilities. Will the plant require new substations? Where will they be built? Will this affect our utility rates?

The DEC must evaluate increased water costs to water rate-payers associated with costs of building and maintaining and operating plant. It must take into account projections of future fuel costs.

The DEC must evaluate the effect on all other licensed entities currently utilizing the Hudson or discharging into the Hudson under its current classification as non-drinking water. The associated increased costs to businesses and residents must be fully analyzed.

I ask the DEC to carry out water quality testing at all points of the Hudson in this vicinity across a span of 10 years (the time period recommended by the State of New York for a new source of drinking water).

The DEIS should fully analyze the energy consumption and greenhouse gas emissions for the proposed desalination plant. It must also analyze all other possible air pollution. It should take into consideration the environmental impacts of mining, producing, and transporting fuel sources to be used at the desalination/ water treatment plant.

The DEC should analyze all the conflicts this proposal would have with the US Mayor's Climate Protection Agreement which has been passed by the County of Rockland, Town of Orangetown, Town of Clarkstown, Village of Nyack, and Town of Ramapo (possibly more as well).

DEIS must analyze siting and construction impacts on sensitive coastal ecological areas. How will this alter drainage patterns?

I ask the DEIS to fully address the leaking pipes at Indian Point and the possibility of large-scale accidents/ failures/ terrorist attacks on Indian Point. This is especially important as the PSC claims it has no authority over radioactive material. Furthermore, Entergy has based its application for renewal of its Indian Point license on the fact that the Hudson River is not used for drinking water in its vicinity. How does United Water Suez's proposal effect Entergy's application?

The DEC must analyze how this proposal would affect the conservation movement in the Hudson Valley. What would this do to moral among civic and environmental organizations? How would the conservation movement be effected by the fact that environmentalists have worked over 40 years to clean up the Hudson River only for a global corporation to come along and start selling its water for profit?

The DEC must consider, how will this plant affect recreation upon the River? How will it affect tourism? Are recreation and tourism not based on the scenic beauty of our River?

How will this plant affect the aesthetics and natural beauty of this majestic portion of the Hudson River? Is Indian Point not enough of a blight on our historic landscape?

#### ALTERNATIVES

I ask that the DEIS focus on “alternatives to the proposed action.” Specifically, I ask that this DEIS focus on meaningful conservation/ efficiency measures, regional water management, storm water management, aquifer recharge, and serious evaluation of leaks and other faults in United Water Suez infrastructure. **I ask that these alternatives be evaluated as seriously as if they were the only alternatives.** I ask DEC to fully investigate all technologies, planning strategies, education programs, training programs, monitoring programs, financial models, and financial incentives, that could possibly be used to implement an ambitious efficiency program. I ask the DEC to evaluate water conservation plans that have been effective in other municipalities throughout the county and abroad including Austin, Texas; Cary, North Carolina; and New York, New York.

I ask the DEC to evaluate the full potential of all ‘green’ building possibilities, building code improvements, water-efficient appliances, grey water reuse, rainwater harvesting and reduction of impermeable surfaces.

The DEC should draw on the rich research of environmental, technological, and educational organizations and institutions nationally and internationally for best water efficiency and conservation solutions. Some to consider include: National Resource Defense Council’s “Rooftops to Rivers;” EPA’s “Reducing Stormwater Costs Through Low Impact Development (LID) Strategies and Practices;” and Riverkeeper’s “Sustainable Raindrops.”

#### UNITED WATER/ SUEZ ENVIRONMENT

I urge the DEC to analyze the history of United Water/ Suez Environment both locally (in terms of continued sewage overflows and illegal discharges of water to New Jersey) and globally where Suez is accused of numerous environmental and social injustices. What implications does Suez’s history have for their potential use of desalination technology on the “unlimited water supply” of our Hudson River?

The DEIS should evaluate United Water/ Suez Environment’s financial motivation for obtaining this plant. Will they make more money out of this plant than out of alternatives? What is the potential for the PSC changing its regulations to make the desalination plant less financially desirable? How would less financial gain impact United Water’s position on this project?

The DEIS must evaluate the potential of UWSE selling water from this plant to New Jersey in the future and/ or the potential of UWSE selling more water from our other water sources to New Jersey in the future. How would this alter the legitimacy of this proposal which is allegedly meant to meet the needs of Rockland County?

The DEC should evaluate the lack of regional water planning and the amount of water released from Rockland County into New Jersey and issues with United Water Suez not monitoring said discharges.

I thank you for your time and interest. This is an issue of critical importance to the State of New York.

Yours sincerely,

Alexis L. Starke