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**Comments of Ned Sullivan  
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Regarding the United Water Desalination Plant  
Scoping of State Environmental Quality Review Act  
May 21, 2009**

These comments are submitted by Ned Sullivan, president of Scenic Hudson, on the scope of the environmental review of the desalination plant proposed by United Water to be located in Haverstraw in Rockland County.

Scenic Hudson is a 46-year-old not-for-profit environmental organization and land trust based in Poughkeepsie whose mission is to protect and restore the Hudson and its waterfront as a public and natural resource. We have 25,000 members supporting our work throughout the region from Manhattan to Albany. We are a landowner and stakeholders in Haverstraw as co-owners with the Village of Haverstraw of Emeline Park on its waterfront. Scenic Hudson was founded to protect Storm King Mountain in the Hudson Highland from a proposed power plant. An early court ruling in the 17-year fight, known as the Scenic Hudson Decision, gave our founders legal standing in the litigation to stop the project and formed the cornerstone of the National Environmental Policy Act and New York's State Environmental Quality Review Act, credited with launching the modern environmental movement.

The desalination plant proposed by United Water raises issues that were debated in the Storm King case – including the impact such a project would have on the sensitive fisheries of the Hudson River – and new concerns unique to the plant, such as the location of its treatment plant on a landfill.

I commend the New York State Department of Environmental Conservation for assuming the lead agency role for this project, whose potential impacts would clearly be regional. Decisions made during the SEQRA review could be precedent-setting. As a result, the SEQRA scoping and comment opportunities should provide for complete transparency and sufficient time for informed public input. In this context, I urge you to extend the public comment period on the scope by at least a month so that citizens who are just beginning to learn about the project will have ample opportunity to comment. Furthermore, I would urge the New York State Department of Environmental Conservation to provide formal and informal technical briefings and question-and-answer opportunities in advance of public comment periods so members of the public can provide input from a base of knowledge and understanding.

We will detail below the topics that we believe warrant the “hard look” required under SEQRA. Many, though not all, of these are identified and discussed in the NYS DEC’s Positive Declaration on the project.

1. The role that water conservation (such as curbing residential and commercial demand, water recycling and rainwater capture) could play in reducing the need for an expansion of the quantity of water made available through United Water deserves a hard look. Could conservation measures, both by United Water, in management of its facilities and operations, and a campaign to promote water conservation among users reduce or eliminate the need for the proposed desalination plant? This issue should be reviewed in the context of a regional watershed management approach.
2. A range of land development scenarios in the United Water service area should be examined to determine the relationship between expanding residential and commercial demands for water and the need for a desalination plant. Furthermore, a range of land development scenarios, including both a no-growth option and a full-build-out scenario allowed by current local zoning laws, should be examined. These should be analyzed in terms of their demands for water and the other environmental impacts they will trigger, including local and regional water and air quality, traffic and climate change. In addition, the capacity of the wastewater treatment plant should be examined under a range of land development scenarios and the cumulative impacts of those with the incremental load associated with the desalination plant. This is necessary because United Water’s assumption that the Hudson River provides a virtually unlimited supply of water provides the potential for triggering a relatively unlimited development scenario in the service area. State and local decision makers should have the benefit of analysis of a full range of build-out scenarios.
3. A robust analysis of the no-action scenario should be included in the scope of the State Environmental Quality Review Act.
4. Virtually all of the elements referenced as the basis for the New York State DEC’s Positive Declaration should be included in the scope of the DEIS, including:
  - a. The land impacts, particularly the proposed location of the treatment plant within the boundaries of the former Haverstraw Landfill site. The potential impacts on the water supply and treatment operations of any soil and water contamination associated with the landfill, gases and other environmental threats must be thoroughly examined.
  - b. The risks associated with the project’s proposed intake facility and portions of the raw water transmission line within the 100-year flood plain are well detailed in the NYSDEC decision and should be included in the scope of the SEQRA review. Impingement and entrainment is one such risk that should be studied. Further, additional risks posed by predicted

sea levels rises and increased storm surges associated with climate change should be examined.

- c. All the water implications included in the Positive Declaration should be addressed in the scope of the SEQRA review, including the crossing of a National Wetland Inventory wetland, and both the operational and cost impacts associated with additional effluent loading to the sewage treatment plant. Furthermore, the salinity or other elemental/chemical concentrations of the effluent released by the wastewater treatment plant after the desalinization brine is added to the waste stream should be examined. The cumulative impacts of this project with existing and any new development that would be enabled by the desalination plant should be included in the scope of the SEQRA analysis.
- d. Air quality in Rockland County and many other counties of the Hudson Valley have recently received a rating of “F” from the American Lung Association. This means that air quality is regularly causing children, the elderly, and even healthy members of the population a range of lung and cardiovascular problems, from asthma to cancer and heart attacks. The incremental and cumulative air quality impacts of this capital- and energy-intensive project should be examined along with the development pressures it will unleash. An increase in capacity of the water supply could induce demand for more development to occur, thus further exacerbating the already poor air quality.
- e. The potential for impacts on both marine and terrestrial plants and animals (including diadromous fish stocks) should be examined, particularly the implications for the Significant Coastal Fish and Wildlife Habitat of Haverstraw Bay. The salinity or other chemical concentration patterns should also be examined.
- f. The cumulative impacts of the proposed desalination plant with other current and projected impacts should be examined, including the effects of power plant withdrawals; thermal, chemical and nuclear discharges and leaks from power plants; acidification of oceans; and the decline of fish populations documented in a recent report by Riverkeeper.
- g. The aesthetic, historic and archeological impacts of the project, its implications for open space and recreational resources should be examined.
- h. The scope should include transportation impacts, including the direct impacts of the various facilities associated with the desalination plant. This should include the cumulative effect of traffic and transportation likely to result from the additional development supported by the desalination plant.
- i. The risks to public health associated with the project should be examined in the scope, particularly the dependence of the public on a water treatment system located on a landfill. The non-potable water quality of the Hudson River water that will provide the raw water supply should be examined. The DEIS must also examine the cumulative impact of the project with all other users who withdraw or discharge into the Hudson

River. Indian Point's impact (withdrawals, discharges, and unauthorized toxic and radioactive discharges) on the Hudson River should be examined. All SPDES permits should be documented to fully understand the United Water project's impact on the Hudson in a greater geographical context. The ability and effectiveness of the reverse osmosis treatment system to provide a consistent source of drinking water, given the variable nature of raw water should be considered.

- j. The full list of growth and community character issues identified in the Positive Declaration deserve analysis.
- k. Visual simulations should be conducted using the worst case scenario, such as when the leaves are off the trees. The simulations should include the proposed plant and all accessory infrastructure.