



May 20, 2009

SUBJECT: United Water New York SCOPING

Jeremy Rosenthal
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway
Albany NY 12233-1750

Dear Mr. Rosenthal,

Citizens Campaign for the Environment (CCE) is an 80,000 member, not-for-profit, non-partisan advocacy organization working for the protection of public health and the natural environment on behalf of its members in New York and Connecticut. The protection of waterways, especially estuaries and drinking water sources, are of the utmost importance to CCE. CCE has been working to protect water quality across New York State since its inception in 1985.

Please accept Citizens Campaign for the Environment's (CCE) comments on the draft scope of the Haverstraw Water Supply Project proposal by United Water NY to construct an intake facility, an intake pumping station, a desalinization water treatment facility that will use reverse osmosis technology, and piping for water transport. CCE appreciates the Department of Environmental Conservation (DEC) taking the lead status under the State Environmental Quality Review Act, as this project proposal is unprecedented and the health of the Hudson River ecosystem and the Hudson Valley community is of statewide concern. Due to the myriad of issues that need to be reviewed for this proposed project, **CCE recommends the DEC extend the scoping period for 30 more days and hold at least two additional public availability sessions to ensure broad public input to develop the scope of the project's environmental impact statement.** In particular, CCE believes the public would be best served by the Department holding additional public availability sessions outside of Rockland County and on the east side of the River.

CCE is requesting that the DEC explore and assess the following concerns as the Department develops the scoping document for the environmental review of the UWNYP proposed project. CCE believes the scope of the draft environmental impact statement (DEIS) for the proposed UWNYP project should include, at a minimum:

1. **Evaluation of potential impacts to the Hudson River Estuary ecosystem including impacts to habitat for key indicator species and protected species populations as well as important spawning grounds for the greater Hudson River Estuary aquatic community.** Haverstraw Bay is designated “significant coastal fish and wildlife habitat” because it is an important nursery area for Stripped Bass, American Shad, White Perch, Tomcod, and Atlantic Sturgeon, Anchovy, and Blueclaw Crab. Significant degrading within this vital habitat will likely adversely impact the populations of these signature Hudson River fish and crustaceans while also adversely impacting commercial and recreational fisherman and their contributions to the local and regional economy.

The DEIS must consider the cumulative effects on the entire ecosystem and include an analysis of the proposed project impact on the food web to understand how loss of fish and other marine life, at all life stages, will effect populations of birds, including the Bald Eagle.

2. **Evaluation of how increased energy demand from a new desalinization facility would impact New York’s greenhouse gas emissions and therefore should be assessed for its consistency with the development of the New York State Energy Plan, renewable portfolio standard, and Governor Paterson’s 45 x 15 clean energy goal.** The New York State Energy Plan is currently being crafted as mandated by Governor Paterson’s Executive Order Number 2¹. The Energy Plan will include “long-range energy policy objectives and strategies appropriate to increase energy supply and reduce energy demand”. To accomplish this important goal, all energy projects, both large scale and small scale need to be evaluated in the context of New York State’s plan. The DEIS must evaluate the proposed desalinization plant’s energy use and its consistency with New York state policy to reduce greenhouse gas emissions, in context of the New York State Energy Plan. Furthermore, the DEIS must evaluate the project’s consistency with Governor Paterson’s “45 by 15” clean energy goal, which calls for 45% of New York energy generated by renewable sources and energy efficiency technologies by 2015. The DEIS must also consider energy transmission concerns from the proposed project’s increased energy demand, as Rockland County is in the Mid-Atlantic National Transmission Corridor federally designated area of electric transmission congestion and constraint. Lastly, the DEIS should consider the contingency plan for the proposed desalinization plant in the event of a brown-out or black out.

3. **Evaluation of project consistency in the Final report of the New York Ocean and Great Lakes Ecosystem Conservation Council, *Our Waters, Our Communities, Our Future: Taking Bold Action Now to Achieve Long-term Sustainability of New York’s Ocean and Great Lakes.***

This report to Governor Paterson and the New York State Legislature, required by state law, urges bold action now to ensure that our aquatic resources, and the services they provide, are available for future generations. The DEIS must take an ecosystem based management approach, consistent with the Hudson River Estuary Basin program to

¹ http://www.ny.gov/governor/executive_orders/exeorders/eo_2.html

“conserve, maintain and restore coastal ecosystems so that they are healthy, productive and resilient and able to deliver the resources people want and need.”

The *Our Waters, Our Communities, Our Future* report calls for a set of immediate actions to be taken by the State to address critical priorities for the health of New York's ocean and estuaries:

- Protecting and enhancing critical habitats necessary for sustaining fish populations.
- Aligning state, regional and local actions with the principles of ecosystem-based management.
- Incorporating the best scientific information into decision-making
- Rebuilding fish stocks by identifying and reducing sources of marine mortality.
- Providing the public with information and mechanisms for better decision-making.
- Undertaking nutrient and contamination abatement.
- Address sources of marine debris and floatables.

The DEIS must evaluate the project in context of the goals of the Council and the 2009 report.

4. Evaluation of disposal for waste products generated by the desalinization process. Such disposal of water containing concentrated salt and minerals may affect receiving landfills, composting sites, and the Joint Regional Sewage Treatment Plant (JRSTP).

The DEIS must evaluate the effects and costs associated with processing an increased amount of water containing higher concentrations of salt and minerals at the Joint Regional Sewage Treatment Plant (JRSTP). Also, the evaluation must include the added cost to dispose of these materials through other options.

5. Examination of the composition, characteristics and safe disposal options for the “clarified water.” The DEIS must evaluate and identify contaminants detected and their concentration, including, but not limited to radionuclides, PCBs, and chlorine. The DEIS must analyze the pH of the influent and effluent. Due to the history of PCBs in the Hudson River as well as other chemical contaminants, it would be reasonable to expect that the desalination process will concentrate such constituents. Safe disposal options need to be evaluated both environmentally and economically.

The draft scope includes a proposal to blend treated and untreated water prior to discharging, the DEIS must study the proposed process of blending and determine the potential impact from blending on the ecosystem.

6. Examination of PCB concentrations in the dewatered solids and full evaluation of disposal options, including landfills, hazardous waste landfills, composting, and/or incineration. The DEIS must include a detailed analysis of the composition and characterization of PCBs and how the banned chemical behaves in all stages of the desalination process, including water intake, treatment, liquid and solid waste, and ultimate sludge disposal. The DEIS should outline acceptable and unacceptable

concentration levels of PCBs in all processing stages. The DEIS must examine the legality of disposing PCB contaminated substances in landfills, compost sites, and incinerators as well as the effects on the ecosystem. The DEIS must evaluate locations United Water NY intends to dispose of the solid and dewatered waste. The DEIS must identify potential disposal sites which have the capacity to handle the amount of waste. Furthermore, the DEIS must calculate the costs associated with proper disposal of desalination waste and byproducts, and identify potential costs borne by water and sewer ratepayers, taxpayers, municipal governments, and United Water. Lastly, the DEIS must determine how much, in cubic ft, of dewatered solid waste will be produced daily by the desalinization process.

7. **Evaluation of all construction related impacts.** The DEIS must study any potential effects to air quality, water quality, soil and sediment quality, and public health from construction activities, particularly subsurface disturbances to the former landfill site. The DEIS must evaluate the amount of methane gas that could be released during construction on and near the landfill. There must be an analysis of all potentially harmful substances that are capped under the landfill, the potential for air contamination as airborne particulate matter, and soil and water contamination through the process of runoff.
8. **Evaluation of the proposed project's potential to increase sprawl or spur increased development in Rockland County and surrounding communities.** The DEIS must evaluate the impact of increased development on local services including schools, libraries, emergency and non-emergency healthcare, day care services, police and fire services in the whole county, not just in the Town of Haverstraw. The DEIS must evaluate if better land use planning and management, which limits or slows development could change the projections for Rockland Counties future water needs and prove that a desalination plant is not needed. Lastly, there have been development proposals that cite the desalinization plant as a long-term water source. The DEIS must include a list of all potential developments in the region that cite the proposed desalination plant as a long-term source of water and offer an evaluation if this project is thereby contributing to sprawl and/or increased growth in the region.
9. **Evaluation of the public health effects of drinking desalinated water from the Hudson River.** The DEIS must evaluate the safety of the water quality of the finished water for children and adult consumption, including effects of radioactivity, PCBs and other potential contaminants in the water. While the draft scope anticipates the levels of radioactive particles to be lower than the EPA standard of 8ug/L for strontium 90, the DEIS must evaluate the potential effects of exposure to radioactive particles in drinking water that even small levels can have on a population, particularly on children, the elderly, and individuals with compromised immune systems. When using reverse osmosis to remove radionuclides, performance depends on a number of factors, including pH, turbidity, and iron/manganese content of the raw water. The DEIS must study how these factors influence the effectiveness of the removal of radionuclides, including strontium 90. It must also evaluate the cumulative impact of drinking small levels of PCBs. Lastly, the DEIS must examine mercury levels in raw and finished

water and the likelihood of mercury entering the water supply, even in small amounts, through atmospheric deposition and other sources.

10. Evaluation of the impacts climate change and sea level rise may have on the proposed project.

The draft scope indicates that United Water is proposing this project, in part, because climate change is causing more frequent rainstorms with more potential for drought. The DEIS must evaluate if this project will contribute to climate change. Therefore, will allowing this project contribute to the very problem that it is proposing to address? Climate change also has the potential to make the Hudson River Estuary saltier. The DEIS must evaluate how increasing salinity would impact the facility design, operation, and overall function, including the potential for the project to demand more energy than identified in the draft scope. Also, the DEIS must look at the location cited by United Water for project and examine if the site can become more vulnerable to flooding due to increased intensity of storms and increased flooding events.

11. Evaluation of the proposed project's compliance and consistency with existing land use and Hudson River restoration plans and ongoing efforts.

The *Town of Haverstraw Master Plan* states that land use patterns that reduce negative impacts on the River should be encouraged. While discussing the Town of Haverstraw, the *Rockland County Comprehensive Plan* states, "it contains tremendous potential as an historic housing resource and a Hudson River tourist destination, with its Victorian architecture and spectacular river views. Planning for its waterfront now presents renewed opportunities for enhanced recreational, cultural, housing and, with establishment of the Haverstraw to Ossining ferry service, river-based transit development that can potentially revitalize the Village while strengthening the economic base of the County."² The proposed project must be evaluated for consistency with *The Hudson River Estuary Action Agenda Goals*. Furthermore, the proposed project must be evaluated with a sophisticated understanding of the Superfund remediation effort required by General Electric to remove toxics in the river bottom upstream from the proposed desalination plant intake pipe and the potential human health threats from upstream activities.

12. Evaluation of coastal consistency of the proposed project with the 1972 federal Coastal Zone Management Act (CZMA). This significant policy has been used to guide water protection policy for 35 years through out New York State and our nation. The federal Coastal Zone Management Act (1972) provides for a unique federal-state partnership that is a proven basis for protecting, restoring, and responsibly developing the nation's important and diverse coastal communities and resources, thus ensuring their protection for future generations while balancing competing national economic, cultural and environmental interests. Thirty-four states and territories have federally approved coastal management programs, including New York State. State and federal coastal zone management efforts are guided by a federal framework, built around the themes of sustaining coastal communities, sustaining coastal ecosystems, and improving government efficiency.

² <http://www.co.rockland.ny.us/planning/landuse/complan.htm>

To be consistent with the New York State Coastal Management Program³ projects must promote sustainable use of living marine resources; protect water-dependent uses; provide for public access to, and recreational use of, coastal waters, public lands, and public resources; preserve historic resources; foster a pattern of development that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development; enhances visual quality and protects scenic resources; and promotes appropriate use and development of energy and mineral resources.

13. DEIS must analyze all alternatives.

All reasonable alternatives must be meaningfully considered including but not limited to no build, conservation methods, and waste-water reuse practices that would also provide Rockland County with water, while protecting the Hudson River Estuary. The DEIS must evaluate the potential for aggressive water conservation methods within Rockland County, including: green infrastructure, rain barrels and cisterns, gray-water reuse systems, smart water meters and usage-based pricing, and all other water saving technologies. The DEIS must analyze and quantify the potential cost and water-use savings achievable through conservation.

14. Water conservation policy and programmatic gap analysis.

The draft scope indicates that UWNY lacks authority to implement water conservation measures. The DEIS must identify potential policy and programmatic solutions for local and state government, regulatory agencies, private partners, ratepayers, and United Water to adopt and implement meaningful water efficiency and water conservation measures that could avoid the need to build a desalinization plant.

Thank you for your thoughtful consideration of our comments on the draft environmental impact statement for the UWNY Haverstraw Water Supply Project. As an unprecedented project proposal in New York, it is critical for the State to take a ‘hard look’ at our water supply, water consumption practices, and opportunities for increasing water efficiency and water conservation while choosing practices to protect the Hudson River Estuary and public health and reduce New York’s energy needs and carbon footprint over the long term. Please feel free to contact me at: (914) 997-0946 or at mwallach@citizenscampaign.org if I can be of further assistance.

Sincerely,

Matt Wallach
Hudson Valley Program Director

³ http://www.nyswaterfronts.com/consistency_coastalpolicies.asp