



County of Dutchess

Marcus J. Molinaro

County Executive

June 11, 2021

Hon. Basil Seggos, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Re: Catalum SPDES No. NY026-4652 (NYSDEC Case No. D007-001-11.01)

Dear Mr. Seggos,

Dutchess County has serious concerns about the adequacy of the DEIS evaluating modifications of the New York City Department of Environmental Protection's (DEP) Catskill Aqueduct Influent Chamber State Pollutant Discharge System Permit (SPDES No. NY026-4652; Catalum SPDES Permit).

First, Dutchess County would like to go on record supporting the myriad of concerns expressed by our neighbor and friend, Ulster County, about the damage being done in the Lower Esopus Creek by the increasing in frequency, duration and magnitude of releases of extremely turbid water through the Ashokan Release channel. We support their concerns about the environmental and socio-economic impacts of these releases that are occurring in the Lower Esopus Creek, which we believe the DEIS underestimates. Some of the photographic evidence submitted showing the different levels of turbidity in the Lower Esopus and its tributaries (prior to joining the Esopus) provides strong support for the argument against DEP claims that the turbidity is not made worse by the releases from the Release channel.

Secondly, and more directly impacting Dutchess County, the involved DEIS scope does not include any analysis of what happens to the turbidity in the discharges once the Esopus Creek enters into the Hudson River estuary. The DEIS itself states that because of the small size of some of the suspended particles that cause the turbidity in their releases, these particles are not expected to be deposited in the Lower Esopus, but will continue on into the Hudson River. Aerial photos of the mouth of the Esopus during turbidity events show the turbidity (discoloration) continuing out into the Hudson River.

Dutchess County has five municipalities (Town and Village of Rhinebeck, Town of Hyde Park and Town and City of Poughkeepsie) that draw their public drinking water directly from intakes in the Hudson River. These communities and two in Ulster County (Towns of Llyoyd and Esopus) have created the **Hudson 7 (the Hudson River Drinking Water Intermunicipal Council)**. The Hudson 7 has been studying the impacts of the increased turbidity in the Hudson River on the involved Water Treatment Plants and has produced data showing a corresponding increase in solids removed from

the Hudson River during times of increased turbidity caused by use of the Ashokan Release channel (Hudson 7 letter to Basil Seggos, Commissioner NYSDEC, dated 6/1/2021). The cost of treating the increased turbidity out of the Hudson River was broken down into increased disposal of solids removed, increase in chemicals and energy used and other factors. This analysis was somewhat hampered by the DEP refusal to release the exact date and times of releases despite a FOIA request from the Town of Esopus. The Town of Lloyd was able to avoid some of these costs by shifting their water intake to their reservoir to avoid the extremely turbid Hudson River water.

Dutchess County believes that the lack of analysis of the unintended impacts of the turbid releases from the Ashokan Release Channel on the Hudson River, specifically on its use as a drinking water source for Hudson Valley communities needs to be addressed prior to the issuance of any revisions to the involved NYS DEP SPDES permit. The irony of failing to address impacts on local public water drinking facilities, in an effort to ease the DEP requirements for their drinking water supply system based on the Castkill region watershed is unavoidable and unacceptable to those of us living in the impacted region.

Dutchess County would like to be clear that we do not oppose the continued environmental and socio-economic benefits provided by the Community releases or the flood prevention benefits provided by the Spill Mitigation releases. It is the frequency, duration and magnitude of the Operational releases, which have the highest volume of discharge and are solely implemented as a way to have DEP avoid having to implement other methods of treating the turbid water entering their drinking water system that raises concerns for our citizens.

Dutchess appreciates this opportunity to comment on this ongoing issue and hopes that NYSDEC carefully considers our concerns and those raised by Ulster County and the Hudson 7 in this important decision making process.

Respectfully,



Marcus J. Molinaro
Dutchess County Executive

CC: Patrick K. Ryan, Ulster County Executive
Hudson 7 Members