

# Hudson River Drinking Water Intermunicipal Council

*Town of Esopus, Town of Hyde Park, Town of Lloyd, City of Poughkeepsie, Town of Poughkeepsie, Town of Rhinebeck, Village of Rhinebeck*

March 3, 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:

The Hudson River Drinking Water Intermunicipal Council (the "Hudson 7") has serious concerns about the Draft Environmental Impact Statement (DEIS) evaluating modifications of 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). The permit, as proposed, poses risks to our drinking water supplies in the Mid-Hudson Valley. While the New York State Department of Environmental Conservation (DEC) considers modifications to the Catalum SPDES Permit, we ask you to consider further changes to the DEIS, Catalum SPDES Permit, and the Order on Consent (NYSDEC Case No. Doo7-001-11.01) to protect our drinking water.

The Hudson 7 is a coalition of seven municipalities that draw drinking water from the Hudson River downstream of the confluence of the Esopus Creek. The communities include the City and Town of Poughkeepsie, the Village and Town of Rhinebeck, and the Towns of Esopus, Hyde Park, and Lloyd. Our five public water supplies ("PWS") serve 106,000 residents, three hospitals, three colleges, and major regional employers, providing safe water for human consumption, firefighting, industry, and more. The Hudson 7 came together in 2018 to protect our shared water source.

During the discharge of muddy water from the Ashokan Release Channel in January 2021 to the Lower Esopus Creek, our five water treatment plants have experienced significant increases in

our raw water's turbidities from the Hudson River. These high turbidities have resulted in some of the following operational changes at our plants:

1. An increase in the amount of coagulant chemicals to remove solids in our clarification basins
2. Additional pumping or more frequent cleaning of our basins to remove sludge
3. Clogging of our filters which results in shorter filter runs
4. High turbidity in initial filter runs requiring more filter-to-waste and addition of filter aid
5. Additional backwashing of our filters, which results in more waste backwash water to treat and recycle
6. Additional alum sludge to thicken, dewater and dispose of

These operational changes have resulted in significantly higher costs for our communities and could possibly result in the violation of drinking water standards. The Hudson 7 will prepare the additional costs for treating the high turbidity from NYC's Ashokan Reservoir.

We respect that New York City is responsible to the 9.5 million people who rely on drinking water from the Ashokan Reservoir and the City's other reservoirs. We have the same responsibility to our communities. Solving New York City's turbidity problem by giving the Hudson 7 a turbidity problem is not a fair solution, and yet that is essentially what would result from accepting the DEIS. The DEIS did not evaluate all the impacts of their proposed discharges or other alternatives that could alleviate the pollution of our intakes and environmental impacts on the Lower Esopus Creek. The DEIS fails to take the required "hard look" at alternatives. We would suggest the following be considered in a supplemental DEIS.

1. An evaluation of providing a filtration plant for the Catskill System should be considered since this alternative would eliminate the need to discharge large volumes of high turbidity water to the Lower Esopus Creek and the discharge of alum sludge to the Kenisco Reservoir. The high turbidities demonstrate that the criteria for waivers from the filtration requirements of Surface Water Treatment (SWTR) from January 1993 for the Catskill System Filtration Avoidance Determination may no longer be met, but additional data is needed. By providing filtration, DEP would improve the City's drinking water quality and no longer need to discharge solids to the Lower Esopus Creek. Instead, a controlled discharge should be maintained to improve the water quality of the Lower Esopus Creek.
2. Although the impacts are evaluated on the Esopus Creek, it appears that this evaluation is based on dry years between 2012 and 2016 when flows and turbidities were low. Wet years should be evaluated along with the impact of severe storms due to climate change.

3. The impacts on the Hudson River and our raw water from the river must be evaluated. These impacts have not been included in the DEIS.
4. The DEIS indicates that the turbidity in the West Basin of the Ashokan Reservoir is caused by erosion in the Upper Esopus Creek. However, there are no alternatives presented to reduce this erosion, such as:
  - a. Continuing the sediment and turbidity reduction projects (STRPs) to stabilized stream banks.
  - b. Controlling the discharges from Schoharie Reservoir to minimize peak flows that cause erosion
  - c. Extending the Shandaken Tunnel to the West Basin to minimize peak flows that enter the Upper Esopus Creek while allowing adequate flow for fish and aquatic life
  - d. Bypassing the Upper Esopus to the Lower Esopus during periods of high turbidity
  - e. Adding alum to the Upper Esopus Creek as it enters the West Basin (This is only suggested for a short period because of adverse impact on aquatic life.)
2. Stop discharging alum sludge to the Kensico Reservoir. (The DEIS refers to this sludge as alum floc, which are particles that coagulate with alum. Once this floc settles, it is called alum residuals or alum sludge.) The DEIS indicated that the alum sludge has no toxic effect on fish. However, the Final Fact Sheet on Aluminum in Freshwater dated December 2018 states, " Elevated levels of aluminum can affect some species' ability to regulate ions, like salts, and inhibit respiratory functions, like breathing, Aluminum can accumulate on the surface of a fish's gills, leading to respiratory dysfunction, and possible death." Finally, no other water utility is allowed to discharge alum sludge into surface waters, and therefore, DEP should also stop this detrimental practice.

Since Hudson 7 would not be allowed to discharge high turbidity water or our alum sludge in the Ashokan Reservoir, we would expect that DEP, a fellow water utility, would stop discharging high turbidity into our source water, the Hudson River, which serves 106,000 people.

Another major concern is that we were not notified of the Catalum SPDES Permit, the Order on Consent, and the modifications made in October 2013, 2018, and 2019. We respectfully request that Hudson 7 be notified of all modifications to the permit and public hearings on these modifications.

The Hudson 7 stands ready to work collaboratively with DEC and DEP to gather more information before June 16, the end of the Public Comment Period, and address these critical concerns.

Please feel free to contact me directly at Rhinebeck Village Hall (845-876-7015 or 76 East Market Street, Rhinebeck, NY 12572), or direct technical questions to Paul Malmrose, PE, at 860-895-7211 or PEMalmrose@tighebond.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Bassett". The signature is fluid and cursive, with the first name "Gary" being more prominent than the last name "Bassett".

**Gary Bassett**  
**Chair**  
**Hudson River Drinking Water Intermunicipal Council**

cc:

Roger Sokol, Director, Bureau of Public Water Supply, NYS Department of Health

Marc Molinaro, Dutchess County Executive

Pat Ryan, Ulster County Executive

NYS Senator Sue Serino (NY-41)

NYS Senator- Michelle Hinchey (NY-46)

NYS Assembly Member Kevin Cahill (NY-103)

NYS Assembly Member Jonathan Jacobson (NY-104)

NYS Assembly Member Kieran Lawlor (NY-105)

NYS Assembly Member Didi Barrett (NY-106)

US Senator Charles Schumer

US Senator Kirsten Gillibrand

US Rep. Sean Patrick Maloney (NY-18)

US Rep. Antonio Delgado (NY-19)