

Meeting	Hudson River Drinking Water Intermunicipal Council
Date	Thursday, April 20, 2023 Quorum: 5:00 pm Adjourn: 6:51 pm
Location	Hybrid
Chairperson	Mayor Gary Bassett, Village of Rhinebeck
Vice Chair	Supervisor Jay Baisley, Town of Poughkeepsie
Secretary	Shannon Harris, Town of Esopus
In Attendance	<ul style="list-style-type: none"> ● Gary Bassett, Mayor (VoR) ● Russell Gilmore (ToL) ● Lynn Ruggiero (ToHP) ● Randy Alstadt (CoP) ● Shannon Harris (ToE) ● Elizabeth Spinzia (ToR) ● Devin Rigolino, Dutchess County Planning ● Mike Donnor (ToE) ● Emily Svenson, Technical Advisory (Land Use) ● Dottie DiNoble, Laboratory Director, PWTF ● Paul Malmrose, Technical Advisory (Engineer) ● Rebecca Martin, Riverkeeper (Interim coordinator) ● Dan Shapley, Riverkeeper ● Grant Jiang, Department of Health ● Michael Forgeng, Department of Health

Regular Business

1. Call To Order: 5:00pm
 - a. Roll Call & Quorum Determination. Voting members: Gary Bassett (VoR), Shannon Harris (ToE), Devin Rigolino (Dutchess County), Lynn Ruggiero (ToHP), Randy Alstadt (CoP). **Quorum (5 in-person)**. Elizabeth Spinzia (ToP), Russell Gilmore (ToL)
2. Approval of 3/16/23 minutes. **Motion to approve: Bassett/Ruggiero. Motion carried.**
3. Communications listed in the agenda
 - a. See agenda. No new items added
4. Public Comment.

- a. John Rath, City of Poughkeepsie: Thank you for your opposition to releases of tritium at Indian Point. Visiting and in learning mode.

PRESENTATION: NYS Drinking Water Source Protection Program Presentation

Follow the hyperlink for a video of the discussion of the presentation. Each community will need to adopt the plan when it's available, and want to encourage communities to engage with it and are familiar with it. Anyone on the DWSP2 subcommittee is available to help communities to do that.

Reports and Actions on Old Business

1. Hudson 7 Priorities

a. Hudson 7 coordinator position.

- i. GB: Approved Mackey, Butts and Walen's Ian MacDonald is our legal representative for advising as we set up a new Hudson 7's organizational structure. ~~Dutchess county has set up a contract with them directly for payment.~~ DR: The county has agreed that they will set up a contract with them, but this has not happened yet due to lack of response from the firm. No contract exists at the time.
- ii. We have learned that the Hudson 7 can set up its own checking account now and receive funds to make a hire. We don't have to wait for a 501c3. We'll need an EIN/TIN number and then identify someone within the municipalities to be treasurer and manage those funds to be used only to hire someone. This does not include the funds that Dutchess County is providing for legal support (\$19,999) where Mackey and Butts are paid directly based on their hourly work and confirmed timesheets. It will take a little longer to think through our structure whether we want to pursue fiscal sponsorship or create a 501c3. Permission from the council to set up a checking account and EIN number. RA: Will the Hudson 7 invoice the communities? GB: We've already done that, as we have resolutions for payment. Now, it's how and when to make the payments. It'll only be for 6 months going forward.

1. Motion to set up a checking account (M&T Bank/Corporate Foundation Sponsor). Bassett/Harris

a. Devin to check with the Dutchess County Attorney and abstained from the vote this month.

b. NYS Drinking Water Source Protection Program

- i. RA: The technical advisors that we have are helpful. Propose Dottie DiNobile be appointed as a technical advisor for Hudson
7. GB: She comes to the council with a chemical background that none of us have. We were able to speak to Dottie just this week to get a technical

1. Motion to appoint Dottie DiNobile as a technical advisor. Alstadt/Bassett. Motion Carried.

a. DS: I agree. One of the values of a platform like this is it's a great people collector. Thanks, Dottie.

c. CHPE/TDI

i. Proposed transmission lines

1. GB: Shannon, you were at the recent NYSERDA meeting. Can you provide a brief update? SH: Joined by Devin and Dottie. The highlights, NYSERDA brought together people from the cable industry and Army Corp, Coast Guard, Department of State, Department of Conservation. Hot topics were cable projects, solar, wind all to meet its energy goals. Carey institute to discuss impacts of underwater cabling. Confirmed there would be negative impacts, though the key is identifying how big are the impacts, how they can be avoided and the tradeoffs. When asked about NYSERDA focus areas for cable projects were, they were mostly on an environmental level (habitat, fish, EMF) and not drinking water. No research or study. Throughout the conference, on breaks, I was approached by officials that it was a big oversight that was glaring during the conference.
2. Other key points on the issue during our break out session included barges and oil barges with Commander Singletary and why anchoring in the Hudson will now resume and why following a study with Congress that was never quite legal to begin with the ban on barges anchoring. We can expect to see barges anchoring in the

future. As part of his leadership, they are putting in a proposal to carve out two areas in the Hudson that would be embargoed and that would be our area, around the Hudson 7 intakes and the narrows. GB: We've invited him to our next meeting. RM: He'll be here in June. SH: Another meeting where he'll be speaking and then he'll come here. One of the biggest takeaways, one official indicated it would behoove us to strongly consider, since impacts to drinking water haven't been thoroughly studied, in the context of Long Island and New Jersey port area that we really should be engaged in a discussion about this and be strong in our opposition until it is proven to be a safe practice and that we would be wise to stand together united on this issue. It was suggested by someone high ranking that we should absolutely stand against this practice until it's proven safe. GB: Thank you. We've gotten a lot of attention. If it wasn't for the Hudson 7, CHPE would have gone down the river without anyone noticing it. Where is the DOH in participating in this discussion? They say we're drinking water and the DEC says we don't care about drinking water. We need state support. SH: Areas North are being carved out for PCB, and lower Haverstraw around a sensitive habitat. The concern that was impressed upon me, if it can be channeled on a terrestrial route for sensitive areas, our reservoir is in the Mid-Hudson area. DR: I remember sitting in attendance thinking that this event should have happened years ago. Like it was too little too late. I also got the impression that the people who spoke really wanted to talk about offshore wind but they held it at the Culinary Institute (CIA) where of course we don't really care so much about that. We care about what's going on in the river, and so most comments, questions and concerns were focused on the CHPE project. I think you (Shannon) raised a point about the depth of the cable being buried in regards to anchoring and I'm hoping that serious concern was heard. SH: One of the consultants was explaining that the

deeper the cables are buried, the safer they are. We are going to have more commercial traffic and barges anchoring, and while they don't anchor in the main channel (which is the deepest part of the river), they can anchor off to the side of the channel and that's where the CHPE cable is going at the depth of 7 feet. These anchors are massive and the cable depth might not be deep enough. There are other areas where the cable won't be able to be buried due to there being bedrock and where there will need to be mattress pads for the cable which is also a question about security when the barges anchor.

GB: The same issue around our intake where there is infrastructure that precludes it from being an anchoring spot, but it's all laid out on the surface as well. DR: One of the main reasons we should expect a noticeable amount of more traffic is because they are building out Port of Albany for the creation and construction of giant wind turbines that are going to be located off of Long Island, so we will see barges going up and down river more frequently over the coming years. That's more potential for anchor drops in the case of an emergency and more potential for accidents. It's something that everyone should be more aware of. RA: Being on the Hudson River safety committee, the captains are saying that their anchors can easily go 10 feet deep when they drop. They are very concerned about the dept of 7 feet. When we were out on the boat they TDI said they wouldn't go deeper than 7 feet. It is as deep as they ever have gone. They are pushing also. LR: The ACOE said that they have told TDI, and no one listens. The only reason they didn't go only four feet as they intended when they started was because the captains got involved with it. They started pushing and then it came back to 7 feet and that's still not enough for them to be happy. PM: The 7 foot was established because ethe Maritime community wanted seven feet instead of four feet. I've never heard about this 10 foot thing. They were deeply involved in what the depth should be. I don't understand

why it's being questioned again. RA: It was a negotiation but not a happy negotiation back in 2014.

2. Hudson River Drinking Water Source Issues

a. Lower Esopus Creek

i. **RM:** The Hudson 7 got its comments in to respond to the proposed IRP. Deadline for comment of members of the ARWG were due on 2/28. We are waiting for a response from the DEC and DEP. The ARWG met last Friday, one key point - is that the Delaware Aqueduct will be shut down on 10/1. Next ARWG meeting will occur on June 9 where there will be discussions about the Delaware closure. Amanda, do you have any updates? **AL:** That's everything.

ii. CSX Bridge

1. **GB:** We signed on to a letter (3/12 deadline): Hudson 7 signed on to the NRDC federal letter urging Secretary Buttigieg and the U.S. Department of Transportation to ban liquefied natural gas (LNG) by rail.

iii. Cybersecurity

1. EPA resources for cybersecurity for the water sector: Assessments to be included in sanitary surveys. **GB:** We're addressing the concern, but every water plant should be, too. Each plant may have different levels of sophistication. **DD:** Poughkeepsie has a cybersecurity plan in place. **RM:** This was sent to the Hudson 7 by Dan Shapley. Any other information re: this announcement. **DS:** What Dottie said makes me wonder if larger treatment plants were required to come up with these plans previously, and the smaller plants were not, then maybe Poughkeepsie can share some knowledge with the others? **DD:** I don't know if we can share our plan, but Randy will do so. We were required to do it by the health department, my suspicion is that others are required to do the same. **GJ:** There will be funding available in the drinking water state revolving fund for systems to apply for financial assistance and technical assistance for water systems as well. On the state's end, Steve Gladding is now taking on the lead for cybersecurity for the DOH. **NB:** Yesterday, I had my

sanitary survey and it was one of the health department's questions. We have no process online.

iv. Town of Esopus update

1. SH: I sent you all a message earlier this week. We're still trying to figure out if the amendment that TDI submitted regarding the CHPE Project was voted on during the PSC meeting. The amendment that TDI put forward as part of the Catskill amendment (Segment 11). All of this has prompted the Town of Esopus to take a deep look at the risks of this project. We have filed for party status. It's the only way to influence and to share our concerns. Later today, TDI has responded to our request for reimbursement for the engineering peer review, and denied any reimbursement. They are denying that the CHPE cable will be laid anywhere near us, and so now they are treating us like members of the public even though we are a drinking water utility for 4500 people. They showed us a map to show they have shifted the CHPE cable 50 yards to say that Esopus is just outside the distance that is legally required to consider us part of the utility infrastructure that they need to consult with. We've been denied reimbursement, and now we're being told we matter as much as 'Joe Schmoe'. GB: When all of our discussions, there was a distance from all of our intakes even though we haven't seen the final map. We've been told the distances, but not the location. Paul has played a major role in this, to be 160 feet away and that's what we set our pilot study up to be. That was the closest they were going to be to our intakes. SH: Our attorney said you called her to ask her those sorts of questions. GB: She called me because I'm trying to set up a meeting where TDI is going to come, I'd like to include Elizabeth and the water operators to discuss the EMCP and our intakes. When we spoke, she told me about your request and gave me an overview similar to what you shared today. When I spoke to Victoria, I told her about the conversation. GB: Rebecca and I have spent a lot of time this week to figure out how to proceed.

Speaking with John Lyons, Emily Svenson, Victoria.
What is the process of the Catskill segment? They gave a 10 day response time. Victoria says 10 - 60 days, John Lyons said 10-60 days too. SH: Senator Hinchey called encouraging all Hudson 7 communities to reject the changes. Thanks to Devin for sending in a letter. TDI doesn't need to resolve any disputes. She's asking for a coordinated response to unify the request. GB: I, too, have been waiting to connect with Senator Hinchy. MN: Is there a sense by the Hudson 7 that this was done surreptitiously because what I'm hearing from Shannon is that it was put in the back as a non-controversial item that was going to sail through, which doesn't sit too well with me. Not an expert in what the group has been working on, but does anything here seem nefarious about that in your view? GB: Only from what I heard from Shannon and our pro-bono lawyer John Lyons. Emily, do you want to weigh in? ES: No thanks. SH: It's the Town of Esopus attorney Victoria Polidoro who flagged our attention. Other legal experts who agree there is an issue. The timing, the cover letter, makes no mention that will impact all of us. The letter we received from our attorney, a pattern of skirting around us. Moving their path a few years and claiming that they don't have to consult with a water utility. That is not in good faith. DR: 10 days is not achievable. GB: That's what my focus is on to get that changed. SH: It's not the responsibility to put on our legislators. They are here to assist us. We must take a stand on what we are passing on to our constituents. Something doesn't sit well about this project, this approach. Their behavior is of concern. ES: When I spoke to Rebecca, the Town of Esopus put information on the table for municipalities to send in a letter if they wanted to. Dutchess County put one in on the record. The issue has gotten on the record. If other municipalities want to follow suit they have the information to do so, so I'm not sure we need to do anything else right now. GB: I agree, I think it's up to us

to make that decision and move forward. DS: The concern about the 10-day, I understand. I don't want to forget that TDI showed up and worked with the Hudson 7 for months to try and develop that pilot test and throughout the process, we felt responsive. That was a reality that many of us experienced. SH: I agree, I experience that too. Middle management was extremely helpful. They got involved in 2020/2021 after the TDI leadership changed. They had denied that they would make any concessions originally and admitted that they didn't know that some of our intakes were in the river. GB: You think the upper chain is not listening to them. SH: Their goal is to make as much money as they can. GB: My concern is that you're saying upper management is not listening to middle management. SH: We are not considered to be just like anyone else. GB: Can you circulate those letters? SH: Yes. MN: So they moved the path to tell you to go, you know where? SH: Yes. MN: Speaking for the City of Poughkeepsie, I find that unpalatable at the very least. The whole foundation is messing with one of us, is messing with all of us. How much money are you asking to be reimbursed? SH: \$31k. MN: It makes no sense to upset the whole council. They are going to pay more in legal fees. It's bad treatment. If this happened to the City of Poughkeepsie, I would expect the others on the council would be outraged. GB: For a long time, we've known that the cable would be outside of our intakes. SH: No, it transected our intake. It is hugging the Esopus shoreline. Today, they moved it over. Closest to Poughkeepsie's intake too. RA: It was going between our two intakes. PM: The cable was going to go right over the pipeline to the intake (shoreline/intake). I told them it was totally unacceptable, and that they had to be 160 feet further east of the intake. That's what I'm expecting them to do. SH: It's the toxic sediment, too. ES: I offer Esopus the support of the Town of Rhinebeck. We should be supporting to be reimbursed and recognized. It's

infuriating. GB: This is new news today. Let's circulate the letter again and put it on the agenda for May. MN: Can we also find out whether or not the PSC has made a decision? SH: The item was voted on and there was only one dissenting vote. The question is what the substance was of the narrative that was voted on. RM: What we found out yesterday, it was in the agenda and combined into a consent package. Because of the ToE and DC letters, in order for that amendment for it to be raised, a commissioner would have to bring forward the letters to pull it out of the consent package. Shannon, you're saying that it was potentially pulled out of the agenda and not voted on at all. SH: In the meeting, it wasn't apparent that the item was adjusted at all. PM: I support Esopus write a letter, from day one I told them to go the terrestrial route. I tried to make every handicap I could find to do that. I put together a work plan to test all of this, and I thought they'd never do it and get out of the river. But they did everything we asked for. We wanted to do the test in Esopus, but Esopus declined. So we created an artificial intake at 3 MGD which is significantly higher than Esopus flow rate, and things look pretty good to me. I'm surprised, I'm disappointed, but we put them through the ringer and now we're asking for more? I can see hiring an engineer to see if I did the right thing or whatever, but they did what we asked. SH: We have a peer review going on right now and they are looking at the data, and went through TDI only. There are a lot of questions that will be pointed out about the one pilot test that has been done on the effects of underwater cabling and drinking water. So let's reserve judgment. We've had only one pilot test that was administered by the developer, not us. PM: I suggested that the engineer be hired to supervise that test, and no one in the community wanted to do that. We had the operators go out there, including your operator. It would have been better to do that. SH: As Grant suggests it is a political issue. GB: We're moving on. Paul, one of the things they are

asking for is sharing my emergency plan. Have you had any correspondence with them, you were collecting Emergency plans. I sent them all to Rebecca. My major concern is that everyone is saying we're going to get tankers and store water. That would mean way too many trucks to meet the smallest demand, such as for Esopus. I suggested that they put in place water bottles at the manufacturers, and have tankers ready to go. That's a plan that Esopus's engineer is looking at. We ought to wait until they are done, because I think they will put together something good. RM: We have them all (Emergency Management Plan) except for Hyde Park. PM: We have portions of Hyde Parks. RM: What's the directive? Are we meant to send these to TDI, are they setting up meetings with municipalities? GB: I'm deferring to the other water operators. Do you want to send them, or the municipalities should set up meetings and discuss. PM: The plans that we've developed are not specific for a cable installation in the Hudson River. I believe that there could be a better plan than the ones that we have right now. I would like to wait for that. GB: None of us are prepared for a catastrophic incident. We proposed that they develop the catastrophic plan for us. They have asked and request our plans to build on top of that. DR: You've asked TDI to build the plan? GB: Yes. DR: Does that mean that the ToE because they are not acknowledging them as a utility? That is a concern. If they were originally part of the co-located infrastructure at one point and they accrued expenses when they had that status, then that should be grandfathered, and the Town of Esopus will be entitled to review and comment on the EM&CP as would any other member. SH: The ToE will be entitled to comment once it is filed with the NYS PSC. GB: That's the exact opposite of what we've been told we're working on with them. We've all been under the impression that we would do this program, the EM&CP, together. We were going to collectively do it, and we created a list. SH: Once they have filed with the

EM&CP we will provide the Town of Esopus with a notice indicating that it has been filed and as well as the location on the DPS and CHPE websites for review. GB: That's the opposite of what we've been working towards. SH: I know Gary. GB: We have to figure this out. I am working with setting up a meeting with my water plant. PM: I would wait until Esopus finishes their emergency plan because they are making a plan that is specifically for an underwater cable installation, and your plants don't have that. Why would they? Why would they put a cable in the river? GB: Anchors, we're not prepared for that. DR: This might not be the only transmission cable.

v. Esopus Creek

1. PM: Modified IRP letter was submitted. The next DEP meeting is June 9, and they are going to tell us that there isn't any impact of shutting down the Delaware Aqueduct. On a Turbidity report, Ben Ganon and I looked at that and came up with some ideas but this information was requested by the DEC and I think it could really help our cause because the data clearly shows that the upstream sampling points like Albany did not experience the turbidity that the plants experienced. That conclusion means that the turbidity came from the Ashokan Reservoir. I would like to submit this data and send some of my conclusions to Randy, Gary, Shannon and Rebecca and I want to get authorization to send it to the NYSDEC. GB: I reviewed it, but I see no issue of not sharing. I leave it up to the committee. RA: I'm ok with it. SH: Of course. GB: Paul, you got approval.

vi. Salt Front

1. ES: This morning I attended the HREMAC meeting, I was appointed on behalf of the Hudson 7. Heather Gierloff, who is the new coordinator who reported that the DEC is working with USGS on a scope of work to study the salt front. 2-3 year project. USGS has experience with these issues. The Hudson 7 appreciates the project, and they will reach out when they have a scope of work. PM: The Hudson 7 recommended that

they do that. GB: Thank you for bringing this up to all of us, Paul.

vii. Tritium release

1. GB: Town and Village have passed resolutions against dumping tritium in the river. Does the Hudson 7 want to do it as a group? SH: Absolutely. GB: We can craft one, though it doesn't impact our drinking water. RA: The indication is that it doesn't, but I don't like that word, it doesn't impact our drinking water. We won't know until they do it. Data indicates it won't impact us, but we don't want anything going into the river that could possibly contaminate us. GB: That's exactly right. We'll craft a resolution and move forward. RM: We'll put it on the agenda in May.

a. Motion that we authorize Gary and Rebecca to draft our resolution objecting to dumping tritium in the water and to send it out as soon as possible. Harris/Bassett. Motion carried.

- i. DS: I want to reiterate that I think it's important to differentiate risks, and I don't think this is a risk. I would put it in that context. I don't think it would impact drinking water even if they did it. I wouldn't want to see 100,000 afraid of their drinking water. GB: It will be consistent with the statement we have already made.

Motion to adjourn the January meeting **Bassett/Harris. Motion carried**

Adjournment: 6:51pm