

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

June 15, 2023

Via E-Mail: secretary@dps.ny.gov

Michelle L. Phillips, Secretary
Public Service Commission
Empire State Plaza
Building 3
Albany, NY 12223-1350

RE: Case Number 10-T-0139: Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City

Dear Ms. Phillips:

I am writing on behalf of, and at the request of, the “Hudson 7”, the intermunicipal drinking water council serving the Towns of Poughkeepsie, Rhinebeck, Lloyd, Esopus, Hyde Park, the Village of Rhinebeck, and the City of Poughkeepsie regarding the Champlain Hudson Power Express (“CHPE”) project (“Project”). Several of these communities are parties to the proceeding before PSC, while other communities are party-eligible and will be filing for party status.

For the past five years Hudson 7 has been working diligently to ensure the safety of our communities’ drinking water, which serves over 100,000 residents of Dutchess and Ulster Counties,¹ in connection with the Project. To date, the work of Hudson 7 has been done by volunteers at no cost to the residents of the communities and without any outside sources of funding. This free use of time and resources is especially significant given that the Project is a “for profit” energy project.

Certain actions by Project contractor TDI in recent months have concerned members of the Hudson 7. These actions include: 1) refusing to reimburse a member community for engineering costs it incurred to review the jet plowing results and assist with preparation of their emergency management plan; and 2) petitioning the PSC to amend Certificate Condition 162 regarding consultation with collocated infrastructure.

We are pleased that after outcry by some of our members, CHPE has withdrawn its Petition to amend Certificate Condition 162. As the Hudson 7’s first priority is protecting its member communities, we have prepared the following list of requests and asks for PSC’s assistance in protecting our drinking water:

1. CHPE must immediately reimburse Hudson 7 Member, Town of Esopus, for a minimum of

¹ This is greater than the population of Flint, Michigan, which was severely impacted by water quality issues.

\$31,000 for costs of preparing an engineering contingency plan and for peer review of the CHPE Pilot test and Sediment results pursuant to Certificate Condition 29. Communities should not have to bear the costs for review of this for-profit Project. As there is no guarantee that the route does not change again, we highly recommend that TDI maintain its agreement to work with all Hudson 7 members and reimburse the Town of Esopus for this expenditure.

2. Hudson 7 unanimously reiterates that the EM&CP consultation is not complete. Hudson 7 is awaiting an engineering report and findings and recommendations from Tighe & Bond, an engineering firm, as well as proposed contingency plans. The findings and contingency plans will be provided to TDI as part of the consultation process.
3. Given the importance of safe drinking water to the region, every member of Hudson 7, including the Town of Esopus, must be considered and treated as Collocated Infrastructure and consulted with during the EM&CP process regardless of any last-minute changes to the CHPE route or proximity to the construction zone.
4. Our request from the start ² was that the cable path must be re-routed out of the Hudson River for the segment of the route that passes and impacts the Hudson 7 communities' water intakes. This is the only way to absolutely ensure that the Project does not impact the drinking water of over 100,000 people in Dutchess and Ulster Counties, including three hospitals.
5. Hudson 7 continues to object to the request for a Payment in Lieu of Taxes submitted to the Ulster County Industrial Development Agency and Dutchess County Industrial Development Agency.

Sincerely,



Mayor Gary Bassett, Village of Rhinebeck
Chairman, Hudson 7

² Hudson River Drinking Water Intermunicipal Council "Champlain Hudson Power Express - Case 10-T-0139." 12/1/2020, https://www.hudson7.org/uploads/1/1/3/8/11382860/hudson_7_chpe_letter_signed.pdf.