Meeting	Hudson River Drinking Water Intermunicipal Council
Date	Thursday, January 21, 2021 Quorum: 5:32 Adjourn: 6:55
Location	Remote
Chairperson	Mayor Gary Bassett, Village of Rhinebeck
Vice Chair	Supervisor Jay Baisley, Town of Poughkeepsie
Secretary	Deputy Supervisor Neil Krupnick, Town of Hyde Park
In Attendance	● Mayor Gary Bassett, VoR ● Deputy Supervisor Neil Krupnick, ToHP ● Board member Bill Carlos, ToL ● Supervisor Elizabeth Spinzia ToR ● Supervisor Shannon Harris (ToE) ● Board member Russ Gilmore ToL ● Randy Alstadt, WWTP Operator, ToP ● Mark Nelson, CoP ● Paul Malmrose (Technical Advisor, Engineering) ● Emily Svenson (Technical Advisor, Land Use) ● Europa McGovern, Ulster County Representative ● Brad Barclay, Dutchess County Representative ● Rebecca Martin, Riverkeeper (coordinator) ● Dan Shapley, Riverkeeper (presenter)

<u>Regular Business</u>

1. Call To Order 5:31pm
2. Roll Call & Quorum Determination.
    a. Voting members: Gary Bassett (VoR), Neil Krupnick (ToHP), Russ Gilmore (ToL), Shannon Harris (ToE), Bill Carlos (ToP), Elizabeth Spinzia (ToR), Randy Alstadt (CoP). **Seven voting members (quorum)**
3. Approval of 11/19/20 minutes
    a. Motion to approve 11/19 minutes: **Bassett/Carlos. Motion carried.**
4. Communications

a. Jessica A Kuonen: The Sea Grant Great Lakes Transport Extension Educator position announcement is posted. seagrant.umn.edu/news and on the University of Minnesota Human Resources job page. Position opens: Jan. 15, 2021 Applicant review starts: Feb. 19, 2021 Questions? Contact Minnesota Sea Grant Associate Director for Outreach Jesse Schomberg, jschombe@umn.edu
b. Comments from the Hudson River Safety, Navigation & Operations Committee concerning the Champlain Hudson Power Express (CHPE) on 1/8/21
    i. *"Hudson River Safety, Navigation and Operations Committee shall advise the regulatory agencies having jurisdiction over permitting the placement of structures such as cables and pipelines on or under the bed of the Hudson River of its deep concerns that the placement of structures of any type only be permitted in a way that will insure the ability of commercial vessels to anchor in the Hudson River in a manner that will ensure the safety of the vessel, crew, cargo, other vessels and local communities."*

5. No public comment

Reports and Actions on Old Business

1. Hudson River Source Water Protection initiatives
    a. Central Hudson
        i. RA: AECOM and Central Hudson evaluation of results from the December 2020 pilot. The test was to learn if they new equipment and treatment areas would perform properly. They did three areas, a clean area, a more contaminated area and a highly contaminated area. During that time, they found five sheens on the river surface and therefore, five reportable spills occurred. They are currently writing up a report that will go to the DEC and then hopefully it'll be available to review publicly.
    b. Esopus Releases/DEIS
        i. Current February 4, 2021 public hearing and comment period open through March 16.
            1. DS: This is a complicated issue that goes back more than 10 years. New York City operates the Ashokan

Reservoir and there is highly turbid water that sometimes enters that reservoir in heavy storms. There happened to have been a big storm right around Christmas that resulted in excess turbidity being discharged from the reservoir to the creek. Right now, there is a protocol that allows NYCDEP to discharge heavily turbid water into Esopus Creek and the Hudson River. We have seen evidence of it reaching the Town of Esopus and Poughkeepsie has seen some of the data from their intakes. It's evident that this sediment is detectable at the treatment plants. We are trying to gather information right now from the operators with raw water saved for a sophisticated analysis that Ulster County has used in the past to fingerprint the sediment in order to document if in fact his excess turbidity being observed at the treatment plants is from the Esopus Creek. If it is, then it can affect the decisions being made about managing those releases. There is a hearing on 2/4 and the public comment will be open through March 16 right now. It may be extended. A technical presentation will occur on January 25 that we can circulate for Hudson 7 members.

ii. SH: Shannon was on supervisors and mayors' call earlier in the week and it was noted by many of the impacted leaders that their municipalities were impacted by the release of turbid water and debris. One of the supervisors connected with the Ashokan Reservoir Working Group (ARWG), and shared the minutes and updates from that group. He has offered to set up a meeting with members of the ARWG and loop us into the emails. Rebecca (Martin) approached her because the last storm was extreme and the releases reached the ToE drinking water intakes. It's important to observe and to analyze what impact on the water intake valves it has. I don't know how much ToU is impacted. CoK observes it in the creek. I think it's great that we're testing. We need to keep this on our radar so that we can know in advance would precipitate an event where they are going to release, it appears it is usually during the

winter. We should start testing a little earlier to understand the impact and what chemicals are needed to treat this or additional processes. One of the supervisors is calling a zoom meeting with folks from the DEC to explain to the others how this process occurs and why. I am going to participate in that and then separately work with the Hudson 7 via our water superintendents to do some analysis to understand the impacts in order to be able to explain it to the public.

iii. RM: Thanks to Don Kiernan from the ToE water plant for his assistance.

New Business

1. Set 2021 meeting schedule: Third Thursday of each month through November at 5:30pm.
    a. Bassett/Carlos. Motion carried.

Presentation: Champlain Hudson Power Express (CHPE) presentation by Transmission Development, Inc. An orientation on the project (TDI) and Hudson 7 concerns by Gene Martin, (President/COO TDI), Sean Murphy (Lead Project Manager for Regulatory Process) and Jennifer Laird White (External Affairs, TDI) *(Starts at 26:55)*

Guests: **Marie Bruhle**, *Senior Public Health Engineer, DOH*; **Europa McGovern** (Ulster County Dept. of the Environment), **Erin Moore** (Tighe & Bond), **Fran Dunwell** (NYSDEC HREP), **George Jackman** (Riverkeeper), **Grant Jing** (Source Water Protection Manager, for Metropolitan Areas, include Ulster and Dutchess counties, NYSDOH), **Lee Felshen** (Supervising Public Health Engineer, Dutchess County Department of Health), **Jason Teed** (Senior Public Health Engineer, Dutchess County Department of Health), **Kelly Turturro** (Region Director, DEC), **Min-sook Kim** (NYSDOH Bureau of Water Supply Protection), **Heather Gierloff** (NYSDEC, Marine Habitat and Research Manager), **James Teed**, *Senior Public Health Engineer*, **Minzi Pan** (NYSDOH Regional Office), **George Jackman PhD**, Riverkeeper (Sr. Habitat Restoration Manager)

CHPE project is 334 miles longitudinally from North to South from the Canadian border to the Astoria complex in Queens. It encompasses 34 miles in Canada with their partner Hydro Quebec, who will be building one of the converters that converts AC to DC power. That converter will be located at their curtail substation which is on their 735 KV bus in the Quebec area. All of the cabling will be either underground or under water for the entire DC route including the Canadian portion. The projects will meet at the international border where Lake Champlain and the Richalo River meet which is the authorized presidential permit point for the crossing of the international border. They plan to provide 1250 megawatts with this project. The project will be 400 KV DC XLTE. They will be delivering approximately 10.4 terawatt hours a year of hydro renewable energy and will be looking at a target in service of 20 2025. That in service is the fourth quarter of 2025, late fourth quarter service. This is the transmission project utilizing technology that's been out there for a long time, so expect at least a 40-year operating life. They expect that this project is going to replace a very significant portion of the retiring Indian Point generation. This is a merchant transmission project as versus a utility or rate-based project. The project will be funded by commercial lenders and by private equity so this will not be funded by the State of NY or by state funds. It will be funded by owners of Blackstone and then will be going into the commercial market to commercial lenders for the debt portion of the project. Tax revenue expected, $1.7 billion dollars. Impacts approximately 73 municipalities (28 resolutions of support) and 59 school districts in NYS. The project has regulatory and community support and has every major permit required. That process started 10 years ago, so the project has been in development for a decade (and a little earlier on the Canadian side). More work is being done of a NYSERDA submission for a tier 4 wreck that will be due in May, 2021 for 1500 megawatts. They must have a transmission interconnection, must have a renewable source of power and must be delivered into New York City as city capacity. CHPE qualifies in all three respects.

Three critical permits are the Article VII Siting Permit (issued April 2013), Presidential Permit (issued October 2014 by President Obama) and Army Corps Permits (Issued April 2015).

Hudson River Team is TDI, Intertek and Caldwell Marine International (CMI).

Hudson River DP II Barge for cable lay. They are not anticipating installation in the river body until 2024/2025. Overview of technology and installation includes HVDC transmission cables to be installed near Hudson at 7PWS with jet plow. They will pass all seven drinking water intakes in approximately two weeks at a minimum rate of at least 300 feet per hour.

Presentation: Paul Malmose, Hudson 7 Technical Advisor presentation (starts at 48:00): "CHPE Project Protecting the Hudson River Drinking Water Supply"

Hudson 7 has serious concerns about the projects. It was developed without adequate input from the Hudson 7 and the NYSDOH, construction will present unacceptable risks to the drinking water for 106,000 people, 3 hospitals and 3 colleges as well as potential risk to TDI, TDI's planned protections are flawed, inadequate and not preventative, a terrestrial route must be considered and jet plowing will churn up pollutants which will remain in suspension at the river bottom. TDI's consideration for the project route must take into account the fish and the environment, marine traffic, soil conditions and infrastructure. In 2010, TDI's questions regarding the drinking water intakes were good, but they lacked questions about protecting drinking water and the question remains whether or not the NYSDOH reviewed any of this information including the location of the intakes in relation to the transmission line? In the final drawings from the FEIS done by TDI, it does not show any of the intakes. In more detailed maps, there is a lot of information about DEC fish maritime and utility crossings but there is nothing about our drinking water intakes that are only within a half mile radius where turbidity could have a negative impact. The transmission line is: Town of Esopus's intake is right on the line, Rhinebeck's intake is about 2000 feet, Dutchess County Water and Wastewater Authority (provides water for Hyde Park) is about 1000 feet, the two intakes for Poughkeepsie, the line goes right between them and the Lloyd intake wasn't even accounted for in the EIS. Pollutants in the Hudson River sediment according to TDI's FEIS for CHPE includes PCBs, Heavy Metals, Petroleum Compounds, PAHs, Pesticides, TSS and Turbidity. The other pollutants that would need to be monitored include TOC (regulated by the EPA

and NYSDOH) and PFAS. The Central Hudson MGP Remediation Project lessons learned were that we should be focusing on prevention and not just reacting to a pollution spill. Testing is a must in the Hudson area. We looked at the monitoring program that TDI wsa proposing and we believe that any monitoring program should be approved by the Health Department during and after jet plowing in the Hudson River. If the difference is greater than 200 mg/L they will take action. In Lake Champlain, the difference is 100 mg/L to take action. TDI will report to DPS and DEC and modify operation but will not stop. A preventative approach would be to continuously monitor turbidity, stop operation at a difference of 100 NTU and to monitor all pollutants of concern. All monitoring of water treatment plants should be approved by NYSDOH. As it stands, TDI will take action only after an MCL in the finished water is exceeded. A preventative approach would be to monitor raw water at intakes continuously for turbidity and TOC. If turbidity increases by 50 NTU, they shut down. If TOC increases by 1.5 mg/L., shutdown. Monitor all pollutants of concern. A better solution would be a terrestrial route using the Northway, NYS Thruway and entering the Hudson River at the Mario Cuomo Bridge. The Hudson 7 wonders, would NYC allow jet plowing in the Ashokan Reservoir? The answer is no.

Bill Carlos (ToP): If TDI's plow were to interfere with Poughkeepsie's intakes, as our only source of drinking water, we'd have to shut down and we only have 36 hours of reserve. I immediately think about emergencies (fires), sanitary uses (toilets, etc) and hospitals. To have to move people would be a significant event. I'm sure your lawyers have probably even said to you if you're aware of the risk and you consciously disregard it, you're acting recklessly. Now that the Hudson 7 has made TDI aware of the risk, please take this into consideration. Modify what you have to do. This is not a regular part of the river, this is a drinking water source.

Sean Murphy (VHB): We have had conversations with Paul a bit about the project being done under the settlement process, so our hands are tied somewhat in terms of what we can talk about but we are very open. We're glad to be having this dialogue now in an open forum. To say that the drinking water intakes were not discussed is inaccurate. There is an exhibit from a firm called ESS reports commissioned by Scenic Hudson and Riverkeeper. The firm felt as though the work that had been done was sufficient and that wasn't enough. There were other

conversations that went on as well. Total suspended solids don't rise above 10 mg/L at any point. We understand modeling isn't something that people are necessarily trusting because of recent events in the area which is why we are doing the pre-pre installation testing. Paul (M) is absolutely right, we should be doing it in this area as a way of making sure that what the model says is that we are doing continuous monitoring of both TSS and Turbidity. As Gene said up front, these types of comments are what we want to incorporate as part of the environmental management and construction plan.

Gary Bassett (VoR): I want to re-emphasize that our focus is to prevent an incident on any one of the five drinking water intakes in the Hudson River. WE are not set up to do this sort of testing on a real-time basis hour by hour. We need to be able to either change the route or be able to establish a way to do the testing.

Sean Murphy (VHB): One of our conditions is that we provided exactly the money for real time testing at your plants, some of it you're already doing, some of you I know from talking to the operators doing continuous turbidity monitoring. There is funding available for doing the laboratory testing. If they would rather have their own people doing the testing, that's another thing we'll pay for (for the time).

Shannon Harris (ToE): If the alternative path that Paul outlined down the thruway was considered?

Sean Murphy (VHB): It was. As part of the process in 2010, the Department of Public Service offered three different alternatives for the project, one of them is what they called the Hudson Western Railway that would have gone from Bethlehem South to the Clarkstown area. We did the same analysis for the DOS who had a separate obligation as part of the Coastal Zone Management process to issue a certificate as well as the same analysis by the Army Corps to find a route outside of the Hudson River. As far as I know today, there is no way these cables can be installed outside of the Hudson River in this section (estuary). We'd be happy to sit with Paul to discuss the mile by mile pathway.

Marc Nelson (CoP): Can you speak to the things that you'd be testing and monitoring for? Am I hearing this correctly that there is no testing or monitoring for those items (PAHS)

Sean Murphy (VHB): Paul sited an environmental impact statement and to be clear, TDI did not write it. It was written by the Department of Energy using an outside consultant (Kleinschmidt Associates). They were not affiliated with us. The list of chemicals that were talked about as part of it are chemicals that have been around in the Hudson River and are not necessarily chemicals that we did sediment testing for the 15 miles of range for the Hudson 7.

Marc Nelson (CoP): Are you buying into the EIS or are you disavowing the EIS?

Sean Murphy (VHB): We are avowing its overall conditions. It's not how I would have written it because of exactly the sort of questions you're asking. Paul noted that the maps that we sent didn't shoe the intake systems. At the time, we were being told very clearly to not indicate on a map where your intakes were due to back them people being concerned about revealing critical infrastructure.

Lee Felshen (Supervising Public Health Engineer, Dutchess County Department of Health): It appears that since the original documents were done that there's been a lot learned. I know I've learned a lot in the last decade. We are very concerned about some of the other things in the river, the turbidity is an indicator we're not sure that's a great indicator. We're still in the process of learning from the Central Hudson project and I haven't heard what would happen if there was an effect on one of the water plants. **I think there's a lot more work that needs to be done before this project could be put through safely.**

A workshop was discussed that would include the water treatment operators.

Adjournment: 6:55pm
Bassett/Krupnick. Motion carried.