

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

AUTHORIZING THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL TO COMMUNICATE CONCERNS ABOUT IMPACTS TO HUDSON RIVER DRINKING WATER QUALITY RESULTING FROM NEW YORK CITY'S RELEASES OF TURBID WATER TO ESOPUS CREEK

WHEREAS, the Hudson River Drinking Water Intermunicipal Council (Hudson 7) is made up of elected leaders from seven municipalities that rely on drinking water drawn from the Hudson River: the City of Poughkeepsie, the Village of Rhinebeck and the Towns of Esopus, Hyde Park, Lloyd, Poughkeepsie and Rhinebeck;

WHEREAS, the Hudson 7 is authorized by resolution of each municipality to take actions to protect, conserve and enhance the river as a drinking water supply for more than 100,000 people;

WHEREAS, the Esopus Creek is dammed to create the Ashokan Reservoir, which is managed by the New York City Department of Environmental Protection (DEP) and contributes as much as 40% to the drinking water supply of New York City and several Hudson Valley communities that use the Catskill Aqueduct;

WHEREAS, the New York State Department of Environmental Conservation (DEC) is reviewing DEP's draft Environmental Impact Statement (DEIS) for DEP's management of turbidity in the Ashokan Reservoir, including its ongoing use of a "release channel" to discharge turbid water into the Lower Esopus Creek;

WHEREAS, following a 2020 Christmas storm, the DEP released millions of gallons of turbid water from the Ashokan Reservoir into the Lower Esopus Creek, in order to reduce the impacts of eroded Catskill Mountain sediments on water quality in the Ashokan Reservoir. The releases continued from December 28, 2020 through February 12, 2021, and from March 10, 2021 through April 17, 2021;

WHEREAS, the Upper Esopus Creek, upstream of the Ashokan Reservoir, returned to pre-storm levels of turbidity, while New York City's discharges to the Lower Esopus Creek, downstream of the reservoir, remained highly turbid for months;

WHEREAS, the impact of turbid releases on the Esopus Creek and Hudson River was plainly obvious, with clear visual contrast in water quality evident in repeated first-hand observations and photographs of Saw Kill and Plattekill, which are Esopus Creek tributaries that are unaffected by Ashokan Releases; of the Hudson River above the confluence of the Esopus; of the Rondout Creek, a Hudson River tributary; and in satellite images of the Esopus Creek relative to the Hudson River;

WHEREAS, the impact of DEP's turbid releases to the Esopus Creek and Hudson River is also evident in the turbidity data gathered at U.S. Geological Survey stream gauges in Esopus Creek and by the Hudson River treatment plants;

WHEREAS, the Hudson 7 has estimated the volume of solids discharged by New York City following the Christmas 2020 storm at 8,240,000 pounds (4,120 tons), equivalent to 294 loads by 14-ton dump trucks;

WHEREAS, the DEP states in its DEIS that, "given the size of turbidity particles," sediment discharged to the Esopus Creek will not "settle in the faster moving water of lower Esopus Creek," meaning that DEP believes all the sediment it discharges from the Ashokan Reservoir reaches the Hudson River;

WHEREAS, turbidity measurements at Hudson River drinking water treatment plants were highly elevated following the Christmas 2020 storm, and relative to the same time period in previous years, remained elevated for a period of time coinciding with the DEP's releases of turbidity from the Ashokan Reservoir;

WHEREAS, Hudson River treatment plants are equipped to filter turbidity, which occurs naturally in the Hudson River Estuary, and fluctuates under various conditions, including most notably in response to precipitation and associated runoff in the watershed;

WHEREAS, the treatment associated with filtering turbid water costs money that includes chemical additives, electricity, and sludge disposal;

WHEREAS, relative to the same time period in previous years, Hudson River treatment plants have incurred elevated costs associated with turbidity treatment coinciding with DEP's releases of turbid water following the Christmas 2020 storm;

WHEREAS, one of the five drinking water treatment plants that uses Hudson River water, in the Town of Lloyd, switched to an alternate source of water due to high turbidity levels in the Hudson River;

WHEREAS, the other four Hudson River drinking water treatment plants do not have immediately available economically viable alternate sources of water;

WHEREAS, the DEP estimates that changes in precipitation patterns due to climate change could result in turbidity increasing by more than 50% and high-turbidity events affecting the Ashokan Reservoir increasing by 23% days per year;

WHEREAS, these levels of increased turbidity in Esopus Creek releases, and increased number of days affected by turbid water releases, can reasonably be anticipated to increase costs for Hudson River drinking water intakes in the future;

WHEREAS, DEP hasn't proposed any specific measures to address the impacts of climate change in its DEIS;

WHEREAS, turbidity may also impact levels of Total Organic Carbon, a precursor to Disinfection Byproducts, which are regulated drinking water contaminants of concern to Hudson River drinking water treatment systems;

WHEREAS, sedimentation in Esopus Creek could also lead to changes in temperature and flow that could increase the risk of formation of algal blooms, including Harmful Algal Blooms, which could present a future risk to the Hudson River as a source of drinking water;

WHEREAS, it is DEP's responsibility to include in its DEIS a study of the impacts of its discharges of turbid water to the Esopus Creek, and to consider alternatives that would mitigate or eliminate these impacts;

WHEREAS, DEP has not identified or studied impacts to Hudson River drinking water quality in its DEIS;

WHEREAS, DEP has not adequately studied the impacts of climate change relative to these impacts in its DEIS;

WHEREAS, DEP has not taken the legally required "hard look" at alternatives that would eliminate or mitigate impacts;

WHEREAS, DEP's proposed management of turbidity in the Ashokan Reservoir would continue to negatively impact Hudson River drinking water quality, and increase costs for Hudson 7 communities to filter Hudson River drinking water;

WHEREAS, the costs of filtration, sludge treatment and sludge disposal are ultimately borne by ratepayers in each community, including individuals, businesses and institutions;

WHEREAS, the City of Poughkeepsie, Village of Rhinebeck, and the Towns of Esopus, Hyde Park, Lloyd, Poughkeepsie and Rhinebeck have each passed resolutions expressing similar concerns to those outlined in this resolution.

THEREFORE, BE IT RESOLVED, that the Hudson 7 authorizes the writing of a letter to DEC, to communicate the concerns outlined in this resolution with greater detail, to be sent prior to the June 16 public comment deadline for the DEIS;

THEREFORE, BE IT FURTHER RESOLVED, that the letter will call on DEC to require that DEP produce a supplemental DEIS to study the impacts outlined in this resolution and to take the required “hard look” at alternatives that can eliminate or reduce these impacts;

THEREFORE BE IT FURTHER RESOLVED, that this resolution be sent within one week to Governor Andrew M. Cuomo, DEC Commissioner Basil Seggos, state Assembly and Senate representatives whose districts include the Hudson 7 communities, and media organizations in the region;

THEREFORE BE IT FURTHER RESOLVED, that the Hudson 7 encourages individuals, businesses and institutions in the City of Poughkeepsie, Village of Rhinebeck and the Towns of Esopus, Hyde Park, Lloyd, Poughkeepsie and Rhinebeck to comment on the DEIS before June 16, 2021.

The foregoing resolution was voted upon by:

<i>Mayor Gary Bassett, Village of Rhinebeck</i>	<i>AYE</i>
<i>Deputy Mayor Neil Krupnick, Town of Hyde Park</i>	<i>AYE</i>
<i>Town Assessor Shannon Harris, Town of Esopus</i>	<i>AYE</i>
<i>Plant Operator Randy Alstadt, PWTF</i>	<i>AYE</i>
<i>Councilman Bill Carlos, Town of Poughkeepsie</i>	<i>AYE</i>

DATED: May 20, 2021