

ULSTER COUNTY EXECUTIVE

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NYSDEC Central Office - Division of Environmental Permits
ATTN: Stephen Tomasik, Project Manager
625 Broadway, 4th Floor
Albany, New York 12233-1750

Mr. Tomasik,

Please find attached Ulster County's "Comments on the Draft Scope of the EIS NYC Department of Environmental Protection (NYC DEP) Modifications of the CatAlum SPDES permit." As you are aware, this issue is of great importance to me and to the people of Ulster County. Ulster County is an exceptional place and we fully recognize the critical importance of our landscape in ensuring the safety and purity of drinking water that nine million people depend upon. However, we will not stand by and allow the NYC DEP to further burden our communities and residents with the considerable economic and environmental costs of their operations.

As County Executive, I have been at the forefront of efforts to hold NYC DEP accountable for the releases of turbid water into the Lower Esopus on behalf of the citizens of Ulster County. During this time I have worked diligently with the NYS DEC to ensure that any releases addressed flooding issues, that citizens had the opportunity to comment and directly address the NYC DEP on the impact of the releases on their lives and property, and that NYS DEC continues to hold NYC DEP accountable. These efforts produced the first Interim Release Protocol that included creating voids in the reservoir that reduced flooding risks as well as initiating clear water community releases. They were the impetus behind NYS DEC Order on Consent that included the requirement to prepare a Full Environmental Impact Statement (EIS) associated with the use of the release channel as well as the inclusion of funding to allow for its review. In addition, the Consent Order also contains an environmental benefit fund which this Administration fought hard to increase and now includes funding for the preparation of a Stream Management Plan and funding to implement its recommendations.

The EIS scope is a crucial document and represents another critical cross road in my efforts concerning the Lower Esopus. By prescribing the alternatives to be studied and the science and investigations to be performed, the scope can either make or break the Environmental Impact Statement. I strongly oppose any effort by the NYC DEP to narrow the scope of the action, take alternatives off the table, and propose "desk top reviews" which will result in little to no new scientific study be undertaken. It is clear that this document is intended to influence the EIS process in order to produce the NYC DEP's desired outcome: unencumbered releases to the Lower Esopus. It is my great hope that the NYS DEC will not allow this to occur.

NYS DEC must ensure that NYC DEP collects the data and progresses the studies necessary to provide a comprehensive scientific basis for decision making and full review of impacts. This includes: complete and rigorous scientific studies (ecologic, hydrologic, sediment, and water quality) of the Lower Esopus, technical studies to inform the Combined Seasonal Storage Objective (CSSO), review of the EIS by the Expert Panel which is being convened under the Filtration Avoidance Determination, and a review of alternatives- including combinations of structural and operational alternatives- which could be used to manage turbidity without turbid releases to the Lower Esopus. NYS DEC must define the action in a way that allows adequate exploration of alternatives and does not limit the review to NYC DEP's pre-selected alternatives. In addition, studies must be performed to review the CSSO. The CSSO sets the operating voids for the reservoir. The maintenance of adequate voids in the reservoir is not a trivial matter; voids can provide critical flood protection to downstream communities saving lives and property.

Ulster County has also been closely involved with the preparation of comments on the draft scope by the technical review consultant to the Ashokan Release Working Group. The comment document represents a thorough, expert review of the draft scope. Ulster County supports this document and our comments are meant to emphasize issues of particular concern.

The Lower Esopus is a vital resource to our community and I believe there is tremendous potential to minimize the need for turbid releases while optimizing clean water releases to encourage recreation on the Lower Esopus, the improve the ecology of creek, and provide multiple benefits to downstream communities of Ulster County.

Sincerely,



Michael P. Hein