

# ULSTER COUNTY OFFICE OF THE COMPTROLLER

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Comptroller



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Kirstin Cady-Poulin  
Environmental Analyst  
New York State Department of Environmental Conservation  
625 Broadway, Albany, NY 12233

Dear Ms. Cady-Poulin,

I write to you on behalf of the people of Ulster County, particularly the communities downstream of the Ashokan Reservoir including the Towns of Esopus, Hurley, Kingston, Lloyd, Marletown, Marlborough, Ulster, Saugerties, and the City of Kingston.

Since 2011, these communities have been subject to the turbid water discharges from the Ashokan channel into the Esopus Creek and the Hudson River. While these discharges were first justified as purely flood control measures to protect downstream communities, over the last decade it has become clear, that reducing turbidity in the Catskill Aqueduct through turbid discharges also has direct beneficial impact by reducing the need for filtration and the use of CATALUM at Kensico.

My office has received numerous complaints from constituents of the lower Esopus communities that include septic replacement costs, loss of recreational and hospitality business due to turbidity, and property value losses as documented by reduced sale prices. While my constituents have experienced direct financial impacts from the discharges, the turbidity also has significant ecological and recreational impacts. I submit these comments not only as the fiscal watchdog for Ulster County, but as someone who growing up, learned to swim at the Saugerties Beach.

The DEC, as the regulatory approval authority for the permit at issue, must take into consideration the impacts to our downstream communities. We have learned over the last decade that communities defined as "Watershed" communities are not just those communities above the Ashokan Reservoir, but those that also take receiving waters from the discharges, and those that host aqueduct infrastructure. In total, 20 of 23 municipal entities in Ulster County are impacted by NYC Watershed operations.

While it falls outside the scope of this DEIS review, let it be stated here that NYC's water supply efforts fall short of acknowledging the true impacts of their operations on all of the communities impacted by the burden of supplying our New York City neighbors with clean and safe drinking water. Recognition of the "watershed" must be expanded to encompass downstream and aqueduct communities, with requisite environmental and economic funding and technical assistance made available.

The NYC DEP's analysis of alternatives associated with impacts of the releases on downstream communities has not met the hard look standard required under SEQRA. Specifically, seven of the eight alternatives considered regarding discharges to the Lower Esopus were summarily dismissed. Review of these alternatives resulted in a decision not to pursue, based on lack of benefits in flow attenuation downstream, no reductions in turbidity, or both. These seven alternatives were reviewed individually without any consideration of the benefits of joint implementation. Two or more alternatives implemented together could have corresponding benefits of flood control and turbidity reduction.

The Proposed Revised Monitoring Plan also fails to consider the impact of reservoir operations on downstream communities' drinking water. Two communities in Ulster County, Town of Lloyd and Town of Esopus, as well as five other communities along the Hudson River, make up the "Hudson 7." How could this alternative analysis fail to include these impacts? The Revised Operating Protocol has no monitoring stations below the conjunction of the Esopus Creek and the Hudson River. Monitoring at drinking water intake for the Hudson 7 should be mandated. Consideration of the Revised Operating Protocol alternative, without this most basic environmental monitoring function for downstream communities, is indicative of NYC DEP's indifference to impacts on watershed and downstream communities.

For all the reasons mentioned above, I request that DEC find the DEIS incomplete and require the consideration of drinking water, ecological, and recreational impacts as well conducting an analysis that pairs alternatives to achieve multiple goals of flood control and water quality downstream, as well as through the Catskill Aqueduct.

Finally, on behalf of the people of Ulster County I call upon the DEC to serve in its vital role to protect Ulster County and Hudson River communities from the impacts of hosting this treasured water supply asset by ensuring a fair and scientific process in permitting exists as well as necessary financial support and technical assistance going forward.

Respectfully,



March Gallagher  
Ulster County Comptroller