

State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance

Date: April 2, 2009

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, "SEQR") of the Environmental Conservation Law.

The New York State Department of Environmental Conservation (DEC), as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a draft environmental impact statement (DEIS) should be prepared.

Name of Action:

Haverstraw Water Supply Project

SEQR Status:

The proposed project is a Type 1 action.

A preliminary Draft EIS titled "Haverstraw Water Supply Project", dated September 26, 2008, was submitted by the applicant and circulated to all involved agencies. The New York State Department of Environmental Conservation initiated lead agency coordination in a letter sent to all involved agencies on January 26, 2009, which resulted in the establishment of DEC as the lead agency. As lead agency, the DEC classified the action as Type 1 and decided to treat the preliminary Draft EIS as an expanded environmental assessment form pursuant to 6 NYCRR 617.6(a)(4).

Scoping:

DEC will conduct public scoping on the proposed Haverstraw Water Supply Project. The expanded environmental assessment form (EAF) will also serve as the draft scope, and is available on-line at <http://www.haverstrawwatersupplyproject.com/index.php/draft-environmental-impact-study-deis.html>, or in electronic format from the contact person listed at the end of this notice. Print copies are available for review at the following locations:

Office of the Town Clerk
Haverstraw Town Hall
One Rosman Road
Garnerville, NY 10923
(845) 429 -2200
Haverstraw Kings Daughters Public Library at Rosman Center
10 W. Ramapo Road
Garnerville, NY 10923.

Written comments on the draft scoping materials are encouraged, and will be accepted by the contact person until the close of business on Friday, May 22, 2009. Comments should address any additional issues, topics or studies which should be considered for inclusion in the Draft EIS to be prepared for the project.

DEC will also hold a public scoping meeting to receive comments on the proposed scope for the Haverstraw Water Supply Project Draft EIS. Two sessions have been scheduled on Thursday, May 7, 2009, from 1:00pm – 4:30PM and 6:30PM – 9:30PM. These scoping meetings will be held at the Haverstraw Town Hall, One Rosman Road, Garnerville, NY 10923, in the Town of Haverstraw, Rockland County. Representatives of DEC and the project sponsors will present brief descriptions of the review process and the proposed project. Reference copies of the draft scope will be available at the meeting site. Speaking times may be limited to accommodate all attendees, if necessary. Interested individuals and entities are, therefore, encouraged to provide any detailed or extensive comments in writing.

Description:

The Haverstraw Water Supply Project is a proposal by United Water New York Inc. (UWNY), a subsidiary of Suez Environnement, to construct a desalination facility in the Town of Haverstraw, Rockland County, that would produce potable water from the Hudson River. The project would withdraw up to 10 million gallons per day (mgd) of water from the Hudson River. The proposal includes: a raw water intake unit and pumping station that would be located along the Hudson River, near a dock formerly operated by U.S. Gypsum; a desalination facility/water treatment plant which would be located upslope, on lands of the former Haverstraw Landfill; a raw water transmission line between the two facilities; potable water main route(s) connecting the water treatment plant to existing water utility infrastructure; and pipelines to transmit effluent from the water treatment plant to the Haverstraw Joint Regional Sewage Treatment Plant (sewage treatment plant). A temporary pilot plant would also be constructed and operated for a 12-18 month period in order to gather data for design and operation assessments.

Location:

The proposed project is located in the northeast section of the Town of Haverstraw and is roughly bounded by the Town of Stony Point boundary to the north, the Hudson River on the east (including the raw water intake extending into Haverstraw Bay), East Railroad Avenue to the south, and the CSX Railroad right of way to the west.

The project would be composed of several connected components including the intake site, water treatment plant, raw water transmission pipeline, potable water main(s), and a pipeline to transmit effluent from the water treatment plant to the sewage treatment plant.

The intake and pumping facility is proposed on the shore of the Hudson River on a one-acre portion of tax parcel 21.09-2-1 located at 710 Beach Road in the Town of Haverstraw, adjacent to lands currently utilized by the U.S. Gypsum Company. A water intake pipeline would extend 1000-1200 feet from the pumping facility into Haverstraw Bay.

The water treatment plant (actual desalination works) is proposed at 555-571 Beach Road in the Town of Haverstraw on a 9.03 acre site. The water treatment plant site is comprised of four tax

parcels, 20.16-2-1, 20.16-2-2.1, 20.16-2-2.2, and 20.16-2-5, located within the boundary of the closed Haverstraw Landfill.

A raw water intake line would run approximately 1.4 miles, connecting the proposed intake and pumping facility with the water treatment plant. The proposed route follows the public right-of-way along Beach Road and Ecology Lane to the sewage treatment plant, and continues north across private property to reach the water treatment plant site.

Potential, but not finalized, routes for potable water main routes include: a westward extension from the proposed water treatment plant, crossing the CSX railroad tracks and continuing on to meet Route 9W; or a southern extension from the water treatment plant along North Wayne Avenue, Carol Street, or the CSX access road adjacent to the railroad tracks, ultimately connecting to Route 9W or Tanneyanns Lane.

Pipelines to transmit effluent consisting of reverse osmosis concentrate, pretreatment sludge, or both, from the water treatment plant to the sewage treatment plant, would run south from the water treatment plant and then bend eastward to travel to the sewage treatment plant.

Reasons Supporting This Determination:

Potential environmental impacts associated with the proposed action were identified in the full EAF, and its accompanying expanded EAF. DEC has independently reviewed these documents; compared the impacts which may be reasonably expected to result from the project to the criteria for determining significance in 6 NYCRR § 617.7(c)(1); and evaluated those impacts in accordance with 6 NYCRR § 617.7(c)(2) and (3). Based on the foregoing review, the proposed Haverstraw Water Supply Project may result in one or more potentially significant adverse impacts on the environment, and a Draft EIS should be prepared to address those potential impacts.

Potentially significant adverse environmental impacts that have so far been identified include the following.

Land:

- The location of the proposed Haverstraw Water Supply Project desalination plant is within the boundaries of the former Haverstraw Landfill site. Use of the former landfill site requires verification that the site meets all legal requirements, and that it is suitable for the intended public use.
- A portion of the proposed raw water transmission line would be constructed on Hinckley Gravelly Loamy Sand soils which have slopes of 15 to 25 percent, posing a risk of impacts from erosion during construction; and
- The proposed project's intake facility and portions of the raw water transmission line are situated within the 100 year flood plain, posing a risk of damage or loss to the facilities during a flood; possible displacement of flood waters onto other properties; and potential damage to the facilities from predicted sea level rise.

Water:

- The raw water transmission line will cross a wetland identified in the National Wetland Inventory, impacts of which are potentially significant;
- The proposed action would produce effluent from reverse osmosis desalination and currently-unspecified pretreatment processes that would be sent to the sewage treatment plant. Receipt of the project's effluent may be in excess of the sewage treatment plant's capacity and its current State Pollution Elimination Discharge (SPDES) permit parameters; and
- United Water's service areas extend beyond the Hudson River watershed, creating the possibility of cross-basin export of Hudson River waters, raising potential watershed management issues as well as a potentially significant loss of flows to the Hudson River and its estuary system.

Air:

- Large volumes of air pollutant emissions, including green house gases, could result from the production of electricity to power desalination operations. Production of the required electricity could create potentially significant impacts to air quality, including contributing to accelerated greenhouse gas driven climate change.

Plants & Animals:

- The endangered species Shortnosed Sturgeon and Atlantic Sturgeon utilize Haverstraw Bay. Installation and operation of the intake could impact one or more life stages of these species, or their habitats;
- Haverstraw Bay is a New York State Department of State designated Significant Coastal Fish and Wildlife Habitat. The proposed action could compromise the resource's high value biological characteristics by directly affecting individual members of species and by modifying the habitat; and
- The proposed project proposes to withdraw up to 10 million gallons per day (mgd) average, with a potential maximum withdrawal rate of 20mgd for 12 hours during the low tide period; this elevated withdrawal rate could result in higher intake velocities which could, in turn, have significant adverse impacts on smaller biota found in the Haverstraw Bay reach of the Hudson River.

Aesthetic Resources:

- The proposed project is visible from multiple aesthetic resources. Views from locations within some aesthetic resources may be adversely affected by the desalinization plant.

Historic and Archeological Resources:

- The proposed action will occur in an area designated as sensitive for archeological sites in the NYS site inventory. A phase 1A assessment concluded that the western portion of the raw water transmission line is an archeologically sensitive area and that potentially significant resources may be impacted.

Open Space and Recreation:

- The proposed water intake and pumping facility may limit public access to the Hudson River for uses such as fishing and other water recreation opportunities, which could adversely affect open space and recreation resources.

Transportation:

- The County of Rockland, Department of Highways, by letter of August 13, 2008, identified potential safety issues with large vehicles entering and exiting the proposed intake site based on the proposed access point.

Energy:

- The proposed project would use between approximately 4,427 and 6,520 kWh of electricity per million gallons of potable water, which is a potentially significant increase in regional energy demand within an area which has been identified as already experiencing periodic energy supply shortfalls.

Noise:

- The proposed action has the potential to significantly increase noise levels above existing conditions.

Public Health:

- The proposed raw water transmission line route is along the base of the closed Haverstraw Landfill which raises public health and safety concerns; and
- The section of the Hudson River from which the proposed project intends to withdraw water for domestic consumption is classified SB under 6 NYCRR 701.11 (see <http://www.dec.ny.gov/regs/4592.html#15984>). This water classification indicates that this part of river is most appropriate for uses other than providing potable water. The public would thus be dependent on the adequacy and consistency of the proposed water treatment system to provide safe drinking water.

Growth and Community Character:

- The proposed action may conflict with officially adopted plans, including but not limited to the Hudson River Estuary Program, Waterfront plans, Hudson River Valley Greenway, and County or Municipal land use plans. Availability of water could significantly influence growth by affecting future development capacity and patterns within the UWNY service area (generally Rockland County); and induce future, secondary growth.

For Further Information:

Contact Person: Jeremy Rosenthal, Environmental Analyst
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625 Broadway, 4th Floor
Albany, New York, 12233-1750
Tel. (518) 402-9159

Email: depprmt@gw.dec.state.ny.us (Subject line must include the words “UWNY Scoping”)

A copy of this notice has been sent to:

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