

**Energy & Environment Committee  
Meeting Minutes**

**DATE & TIME:** March 1, 2021; 6:15 PM or immediately following the Public Health & Social Services Committee

**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656, Meeting ID: 973 2073 9410

**PRESIDING OFFICER:** Chairwoman Manna Jo Greene

**LEGISLATIVE STAFF:** Fawn A. Tantillo, Laurie Lichtenstein

**PRESENT:** Legislators Al Bruno, Peter Criswell, Laura Petit and Mary Wawro

**ABSENT:** None

**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Tracey Bartels, Brian Cahill, Abe Uchitelle and Jonathan Heppner; Victor Cueva, Legislative Counsel; Deputy Executive Evelyn Wright; David Haldeman, Ulster County Environmental Management Council (EMC); Amanda LaValle, Director of Department of Environment; Adam Doan, Ulster County Soil and Water; Tim DeGraff, Ulster County Resource Recovery Agency (UCRRA)

Chairwoman Greene called the meeting to order at approximately 6:28 PM and asked Legislator Bruno to lead the Pledge of Allegiance

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**Motion No. 1:** To approve the minutes of February 1 and February 24, 2021

**Motion Made By:** Legislator Bruno

**Motion Seconded By:** Legislator Criswell

**Discussion:** None

**Voting in Favor:** Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:** None

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**Disposition:** Minutes approved.

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**Resolution No. 8** -Confirming The Reappointment Of Member To The Ulster County Resource Recovery Agency

**Resolution Summary:** This resolution would reappoint Frederick Wadnola to the UCRRA Board.

**Motion No. 2:**                      **To discuss Resolution No. 8**

**Motion No. 3:**                      **To go into Executive Session with all legislators in the meeting, counsel and clerk to discuss Candidates**

**Motion Made By:**                      Legislator Bruno

**Motion Seconded By:**                      Legislator Petit

**Discussion:**                                  None

**Voting in Favor:**                      Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:**                      None

**No. of Votes in Favor:**                      5

**No. of Votes Against:**                      0

**Disposition:**                              **Entered Executive Session 6:34**

**Motion No. 4:**                      **To end Executive Session**

**Motion Made By:**                      Legislator Petit

**Motion Seconded By:**                      Legislator Bruno

**Discussion:**                                  None

**Voting in Favor:**                      Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:**                      None

**No. of Votes in Favor:**                      5

**No. of Votes Against:**                      0

**Disposition:**                              **Ended Executive Session 7:05**

**Motion No. 5:**                      **To amend Resolution No. 8 to replace the name of Fredrick Wadnola, Lake Katrine, with Thomas Kacandes, New Paltz and replace the word “reappointed” with the words “appoints” in the Title, 2<sup>nd</sup> “Whereas” and the “Resolved”**

**Motion Made By:**                      Legislator Criswell

**Motion Seconded By:**                      Legislator Wawro

**Discussion:**                                  None

**Voting in Favor:**                      Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:**                      None

**No. of Votes in Favor:**                      5

**No. of Votes Against:**                      0

**Disposition:**                              **Amendment approved.**

**Motion No. 5:** **Motion to approve Resolution No. 8 as amended**

**Motion Made By:** Legislator Criswell

**Motion Seconded By:** Legislator Bruno

**Discussion:** None

**Voting in Favor:** Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:** None

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**Disposition:** **Resolution approved as amended.**

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**Resolution No. 84 -** Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The Ulster County Soil And Water Conservation District For The 2021 Appropriation - Legislature

**Resolution Summary:** This resolution will authorize the Chair of the Ulster County Legislature to execute an agreement in the amount of \$61,305.00, to be expended towards the costs associated with operations of the Ulster County Soil and Water Conservation District.

**Motion No. 5:** **Motion to approve Resolution No. 84 as amended**

**Motion Made By:** Legislator Petit

**Motion Seconded By:** Legislator Bruno

**Discussion:** None

**Voting in Favor:** Legislators Greene, Bruno, Criswell, Petit and Wawro

**Voting Against:** None

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**Disposition:** **Resolution approved**

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## **New Business:**

### **Ulster County Food Waste Prevention and Recovery Act**

Ms. LaValle gave the committee an update on the implementation of the Ulster County Food Waste Prevention and Recovery Act. She highlighted the need for staffing to monitor the cohorts as they come under regulation; difficulty identifying various cohorts; issues with the wording in the County Law as the department prepares to integrate and implement State Regulations.

Chairwoman Greene asked to reconvene the volunteers who spent more than a year developing the Ulster County Food Waste Prevention and Recovery Act to review this information and discuss modifications.

Legislator Petit requested a copy of the grant that funded the food dehydrator at the Ulster County Law Enforcement Center. Ms. LaValle said it would be archived in the county New World system.

### **Champlain Hudson Power Express (CHPE)**

Chairwoman Greene and Legislator Petit discussed the CHPE plans to locate power lines from Canada to NYC under the Hudson River and concerns raised by communities along the Hudson River that draw drinking water from the river. They suggested creating a memorializing resolution to oppose the project in support these communities.

Legislator Bruno suggested it would be prudent to get information from both sides of the issue before making a decision.

### **Ashokan Pump Storage**

Chairwoman Greene and Mr. Haldeman discussed a proposed pump storage facility in the Town of Olive to produce electricity at times of peak demand. Chairwoman Greene pointed out that such facilities will be necessary as we transition to more solar and wind generation but where such facilities require flooding large areas to create additional reservoirs for water storage, large amounts of methane gas is released. She suggested creating a memorializing resolution supporting the Town of Olive's concerns.

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## Old Business

## UCRRA Update

Mr. DeGraff noted that Legislator Petit requested reports and explained where they can be found on the UCRRA website. He updated the committee on plans for 2021 the includes Household Hazardous Waste Events planned for April, June, August and October and presentations planned for the next three board meetings.

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Chairwoman Greene asked if there was any other business, hearing none;

### Motion to Adjourn

**Motion Made By:** Legislator Bruno  
**Motion Seconded By:** Legislator Criswell  
**No. of Votes in Favor:** 5  
**No. of Votes Against:** 0  
**Time:** 7:38 PM

**Respectfully submitted by:** Fawn Tantillo  
**Minutes Approved:** April 5, 2021

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**LEGISLATIVE STAFF:** Fawn A. Tantillo, Laurie Lichtenstein

**PRESENT:** Legislators Al Bruno, Peter Criswell, Laura Petit and Mary Wawro

**ABSENT:** None

**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Tracey Bartels, Brian Cahill, Abe Uchitelle and Jonathan Heppner; Victor Cueva, Legislative Counsel; Deputy Executive Evelyn Wright; David Haldeman, Ulster County Environmental Management Council (EMC); Amanda LaValle, Director of Department of Environment; Adam Doan, Ulster County Soil and Water; Tim DeGraff, Ulster County Resource Recovery Agency (UCRRA)

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**Chairwoman Greene**

Let's see. Good evening, everyone, and welcome to the March 1. Meeting of energy and environment. And let's see, I haven't pulled up the agenda but I every... Is everyone here? Let's see. Not yet. Okay.

**Legislator Petit**

Peter has stepped away for a moment and I don't see out yet. We just got off a health and human services.

**Fawn Tantillo**

And I don't see Mary Wawro yet.

**Chairwoman Greene**

Yeah. Okay. So, I'm gonna, well, while we're waiting for them, I'm going to open the agenda, I was just reading. I call the March 1, 2021 Energy and Environment meeting evening to order. And then I would like to ask the clerk to please call the roll.

**Fawn Tantillo**

Manna Jo

**Chairwoman Greene**

Present.

**Fawn Tantillo**

Mary Wawro.

**Legislator Wawro**

Here.

**Fawn Tantillo**

Al Bruno, now we see you.

**Legislator Bruno**

I had to make another cup of tea.

**Fawn Tantillo**

Peter Criswell

**Legislator Criswell**

Here.

**Fawn Tantillo**

Laura Petit

**Legislator Petit**

I'm here.

**Fawn Tantillo**

You have a full quorum, Madam Chair.

**Chairwoman Greene**

Okay, thank you very much. I would like to ask if one of our members would like to lead the Pledge of Allegiance. I like to rotate. Anyone volunteer to do that this evening. Thank you, Al.

**Legislator Bruno**

I pledge allegiance to the Flag, United States of America and to the republic for which it stands. One nation under God, indivisible, with liberty and justice for all.

**Chairwoman Greene**

Thank you. Okay. And have folks had a chance to approve the minutes of February 1 and February 24. To read them and I will take a motion to approve. Peter? or Al?

**Legislator Bruno**

I'll make a motion to approve them as sent to us.

**Legislator Criswell**

I'll second that.

**Chairwoman Greene**

Okay. Made by Legislator Bruno, seconded by Legislator Criswell. All in favor, please indicate by raising your hand Anyone object. Motion to approve the minutes of February 1 and 24th approved. And the resolutions for March 16. The first resolution is the is resolution number eight: Confirming the appointment of a member to the Ulster County resource recovery agency. And I'm sorry to those folks who are not members of this committee are legislative nerds. But I think we can briefly hopefully briefly link to executive session. And so fun. I don't know. Can you put people in the waiting room?

**Fawn Tantillo**

Yes. So, I will put everyone but the attorney and myself and legislators in the waiting room and we'll let the folks back in when we're done.

**Legislator Petit**

And then would you make a motion to go into Executive Session?

**Legislator Bruno**

I'll make that motion. We go into Executive Session.

**Legislator Petit**

I'll second.

**Chairwoman Greene**

Seconded by Legislator Petit, motion made by legislator Bruno

**Legislator Bruno**

Tracy, Tracy Bartels had a question.

**Legislator Bartels**

Yeah. I just wanted to I think you should formally invite the other legislators into the executive session. I just want to make that note.



**Chairwoman Greene**

Yes. That's what I believe. That's how Fawn said. So it'll be for any legislator, and Ulster County legislator and Victor Cueva. Welcome, Victor, our county attorney. And yes, Legislative Bruno.

**Legislator Bruno**

Oh, no.

**Chairwoman Greene**

Very good.

**Legislator Bruno**

His pictures right to my right.

**Chairwoman Greene**

Okay, so I would like to go into Executive Session, because this is essentially a personnel related matter.

**Fawn Tantillo**

Just one moment, let me know. Hang on.

**Legislator Criswell**

Do we have to vote on that. Because I heard the motion. I heard the second but I didn't hear it.

**Chairwoman Greene**

Thank you. Thank you.

**Legislator Uchitelle**

I don't think it actually needs a vote. I think it just needs a second. That's my parliamentary understanding.

**Legislator Criswell**

I don't I don't know about your Robert's Rules.

**Legislator Uchitelle**

I have it.

**Legislator Bartels**

I think we typically vote on it. Oh,

**Legislator Bruno**

I mean, why am I not surprised?

**Fawn Tantillo**

We usually voted on it.

**Legislator Bartels**

I think we typically vote on it. Because there have been objections in years past and all right.

**Chairwoman Greene**

So, to be just to be complete. There was a motion in the second to go into Executive Session. All in favor, please signify. Anyone Opposed? The Motion carries.

**Legislator Bruno**

We have a need to go to Peter.

**Legislator Criswell**

Abe, 2020 Some new hippie rules. Old school.

**Legislator Cahill**

Its the 21st century. It would be hipster rules.

**Legislator Bruno**

Yeah. Right..

**Fawn Tantillo**

John, I have you on the phone here twice. But that's think that's you both times. All right.

**Legislator Bruno**

But we can only vote once, right? (laughter)

**Legislator Criswell**

Yeah.

**Fawn Tantillo**

Um, all right. I believe you're in Executive Session. And let me just turn off the recording Hang on.

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Executive Session

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**Legislator Petit**

I'll make a motion for us to come out of executive session.

**Legislator Bruno**

I'll second it.

**Chairwoman Greene**

All in favor, please. say aye. Aye. Anyone opposed? All right. We will go back into regular session.

**Fawn Tantillo**

And let me get the other folks in the waiting room in Hang on. Okay, now we're back in regular session, we come out of executive session.

**Legislator Criswell**

So, I'd like to motion.

**Chairwoman Greene**

Let me call... call for a motion.

**Legislator Criswell**

Sure.

**Chairwoman Greene**

Okay. On Resolution Number eight, Confirming appointment of members to the UC RRA is there motion for discussion.

**Legislator Criswell**

So moved.

**Chairwoman Greene**

Do I hear a second?

**Legislator Wawro**

Second.

**Chairwoman Greene**

Okay. Okay. Move by Legislator Criswell, seconded by Legislator Wawro. And is there any discussion on on this motion, on this resolution?

**Legislator Criswell**

I'd like to propose an amendment to resolution eight as read by our clerk, Fawn Tantillo.

**Fawn Tantillo**

It's a motion to amend resolution eight. Replacing the name of Fred Wadnola of Lake Katrine with the name of Thomas Kacandes of New Paltz, wherever it appears, and to change the word reappoints, who appoints in the title, in the second, whereas and in the resolved?

**Chairwoman Greene**

Do I hear a second?

**Legislator Wawro**

Second.

**Chairwoman Greene**

Second by Legislator Wawro. Any further discussion on the question? Then I would like to call the question and this is to make an amendment and then we'll go back and go to the actual resolution. So this is on the amendment as read by Fawn. And as proposed. All in favor, please signify by raising your hand and we're saying aye.

**Committee Members**

Aye. Aye.

**Chairwoman Greene**

Anyone Opposed? The motion carries five to zero. And now on the resolution, as amended. So this is Resolution Number eight, confirming in this case the appointment of a member to the Ulster County resource recovery agency as amended. Do I hear I need a motion.

**Legislator Criswell**

So moved.

**Chairwoman Greene**

I need a second. Move by Legislator Criswell. All in favor of Mary, did you want to speak or you're, you're anticipating. Okay, good. All in favor of the of resolution number eight, as amended.

**Committee Members**

Aye

**Chairwoman Greene**

Okay. Very good. Thank you. The resolution passes five to zero. And I think that's it and we will move on to Resolution Number 84 authorizing the chair of the legislature to enter into an

agreement with the Ulster County Soil and Water Conservation District for the 2021 appropriation and is representative here from yes from Ulster County soil and water.

**Adam Doan**

Yeah, Adam Doan is here.

**Chairwoman Greene**

Okay, Adam, welcome. Does anyone first move for discussion?

**Legislator Petit**

I'll move it.

**Legislator Bruno**

Second.

**Chairwoman Greene**

Moved by Legislator Petite. Seconded by Legislator Bruno. Any questions for Adam?

**Legislator Petit**

Sure. When are the shrubs available?

**Adam Doan**

We may be forgoing the sale this year. It's yet to be determined, You can check the website. Unfortunately, it was difficult last year with COVID and trying to keep everybody, the public and the staff safe. So

**Chairwoman Greene**

Okay, any further discussion on Resolution Number 84. All right. I would like to call the question. motion has been made and seconded. And all in favor, please signify by raising your hand or saying aye.

**Committee Members**

Aye.

**Chairwoman Greene**

Anyone Opposed? The motion carries for Resolution Number 84. And at this time, I would like to welcome Amanda Laval who, I hope I say your title correctly. You're the Director of the Department of Environment And Amanda sent around a memo and she wanted a few minutes to summarize that. And it has to do with the composting law that the Department of Environment and other departments are responsible for implementing. And there was very clear unanimity amongst the committee that developed that law. And apparently,

somehow, in the many pages have that long the details that we tried to work out, there was one part of that law that is harder to implement, and really didn't reflect the intention of the committee that worked on what is informally called the composting long, but it has a more specific title than that. So with that, Amanda, please summarize your request for the committee to consider.

### **Amanda LaValle**

Thank you. And we have, among other things last year, we were working on gearing up for the implementation of the Food Waste Prevention and Recovery Act. And as you might remember, there was one amendment to the local law to delay the implementation from July to January for the first cohort of regulated gener generators. And through that time, we've had we have not had staffing to support the law, we initially had hired a part time person dedicated to the the work of research, and also kind of coordinating the the group of departments that is working on on the law. And that person resigned their position in July due to kind of COVID related family constraints, because of the hiring freeze that was not filled. And also because of budgetary constraints for 2021, that that position was not included in the in the budget. So, there's currently no one devoted full or part time to the initiative. And everybody else is we're trying to carry it forward the best that we can without having staff dedicated to the law. So, with that said, we the first cohort of generators was went on the books as far as being regulated, these are the larger generators, producing greater than two tons per week. In in January, scheduled for July is the next cohort, which is one ton a week and greater generators. What has become apparent is that there are some issues with the with the text of the law that I think upon, you know, very careful reading of the law doesn't reflect the legislative intent behind it. Those are particularly around waivers for pre-consumer and post-consumer food scraps. And also, we've had some, some kind of back and forth internally around, there's a desire to have additional guidance when it comes to what constitutes financial hardship, that language was left, open, kind of vague. And there's a desire to have the what constitutes a financial hardship to be prescribed, similar to the polystyrene law. The Health Department feels very strongly that it needs not to be interpretation, and it needs to have legislative guidelines that they can point to.

So, we also are discovering some difficulties as far as the dispute of status that was another kind of category in the law, which was where a generator could provide some documentation that would show that they don't actually produce as much waste as that generated that regulated cohort that we've assigned them to. We're having trouble locating anyone, regionally that would be able to perform that type of waste audit for a small like a restaurant or smaller operation in order to get that information. And we don't think it's advisable to have basically like a self-audit We think that that's another potential problem area that if you had folks do some kind of self-certification, or self-audit that that would it wouldn't be standard methods and that you can really call into question the results.

One of the most troublesome things concerning that we've run into recently is that the state is still in the process of rolling out the state law. And the intent here. I'm sure some people know this and other people maybe can use the refresher is that there's a state law that's going into effect January of

2022. So, next January, that will generate that will regulate the larger generators, so the greater than two tons per week, waste will be regulated under the state law. The intent was that the county law would then move to only regulating the larger generators who may not be included in the state laws or regulated type of business, and then the smaller generators. So there, it's intended moving forward, when the state law comes into effect that the county law will still be there, kind of wrapping around it. When we started on the outreach and notified businesses this fall, we used, what at that time was the current state methodology for coming for identifying these larger generators. About a month and a half after we sent out the letter to those generator lists, which I think it's page three of the memo that was just circulated, the state, revise their methodology, and came out with what was almost an entirely new list. So, we are currently regulating two ton per week and greater generators based on a methodology that the states no longer using, and that they're not going to carry forward, when their law actually goes into effect next January. Same thing with the two tons per week on generators. And that's page four of the memo, that is the discrepancy between the existing list which we have to date us to kind of do our planning, and the new list coming from the state. So, there is some overlap on that, but not a tremendous amount, they've really changed their methodology for this.

So, with those points, all kind of taken together, and also that we're still discussing how best to think about implementation and enforcement. Really, what's the logical role for the county to play? How do we best leverage things that we actually do, versus what other agencies might do? As we think about that, we would still like to, to come up with a plan that really makes sense and works. So with those things, all taken into consideration, so we wanted to discuss with you and possibly look at whether or not it's, it's best and we, we think this to, to the next cohort of generators, this one ton per week and greater to push that out until January of 2022. Because we have a lot of work to do, frankly, with rectifying the lists, figuring out our methodology. do all of that work going forward? Also, considering that we don't have staff to really take this on?

### **Chairwoman Greene**

Um, let's see. I think a lot of this makes sense. But what, what I would recommend is the people that spent more than a year working on developing the, the county law, maybe reconvene and go through this step by step with you. I don't think we can do that in committee. And then make a recommendation to the committee and, and if you know, we can come to consensus and I feel certain we would be able to, then ask our attorneys to make the modifications. But basically, the State is dealing with generators of two tons or more per week and they exempted schools and medical facilities. In Ulster County, we believe that schools were really important because they would be setting an example. There was an educational, hands on educational component. And that those students going through the school systems would realize this is a part of life. This is how we manage this material. And there were many examples, nationally and internationally of health care facilities that were successfully diverting waste. In our county, SUNY New Paltz was one of the stars, Mohawk Mountain House, forest Valley, etc. And then as far as the smaller generators, it does get tricky. And the one other major difference in our law from the state law is the state law, I

believe it's 25, there has to be a composting facility within 25 miles for this to apply. In other words, you don't want people to have to send their food waste, hundreds of miles. So the state, and they also felt that would be technology forcing that if there was a law requiring composting, and there was a distance, and there was a gap, that that would become an economic opportunity for a composting facility to find an appropriate location and go into business.

In Ulster County, our law... because that 25 miles applies to most of the county except for the very rural area on the western Route 28 card or, and we talked to the businesses out there, several of whom are already composting on site. And others who felt that they would all contract with the same hauler. So there was one root, we included everyone in the county that generated more than ultimately half a ton a week. And so those are the major differences that currently exist. But there's nothing like actual practice to point out deficiencies. So that would be my recommendation is that we meet with the committee that worked so hard on this law, and it included haulers and large and medium size, food foodways, generators, and we really tried to be very inclusive, we held several informational meetings and, you know, tried to create a law that made sense. And I'd like to better understand the difference with what how the state has modified they, they passed a law, but I'm assuming the modifications within the regulations that they generate. So if the committee is okay with that, we can try and reconvene and bring back together the people and also to be sure that the UCRRA is represented. in that conversation. They hosted most of the meetings out of which this law was developed. So that would be my recommendation.

And we'll start that process as soon as possible. And I do hear that. The one thing that is urgent is changing the July deadline to to January of next year for the one ton. Is that correct? Amanda?

### **Amanda LaValle**

Yes, that would be the most pressing, because that's the next regulated cohort. And I think we have to decide a lot of things that we need that larger group on as far as how we integrate the changing state lists and update things like that, because now we're kind of stuck where we're regulating ones that aren't even going to be regulated by the state come following January. So we're we're out of step now. So I think the most pressing thing would be to move that next cohort to January 1, and then you know, can be met group to work through these issues.

### **Legislator Petit**

Chairwoman Greene, this, this is what I agree with. With you, I think we should reconvene the committee. I mean, we did put a lot of effort into this law to make sure it was very inclusive. The state law precludes a lot of the the large generators, and I think that really defeats our vision for the county of being is near zero waste as we possibly can be. And, you know, I'm hoping, as with you know, the state of Vermont, I don't know if it's occurred in other state, but there is a mandated organics ban, a lot of times, food items that are still good for, you know, human consumption are then donated. You know, I think it's very important that we we stand by this. I mean, I do understand, waiting for the one time requirement, you know, I'm putting it off until January since



we did move up the original requirement. And also, if I could ask Director LaVale, I would like to see a copy of the the grant application that was submitted, you know, to help expand the resource recovery agency facility, I don't know if you can provide that to the committee and in electronic form

**Amanda LaValle**

The contracts available in the county in the New World system? So that's something that's easily retrievable, and anybody who has access to that can, but we can supply it certainly to

**Legislator Petit**

Somebody in our clerks office would have access to that?

**Amanda LaValle**

Um, well, staff does, but I'm sure... Fawn is nodding her head.

**Legislator Petit**

I don't know which way she's nodding it,

**Fawn Tantillo**

Amanda, Amber and Natalie can see it.

**Amanda LaValle**

Yeah. So once that once the contract, you know, we put in a grant application, but we were awarded the grant. And then that becomes a contract, you know, you approve it through the legislature, and then that goes into the county's system, digitally. So that's, that's really accessible, anybody can look at that without it being a thing. And just just to that was a great grant through the climate smart Communities Program, where most of the grant money was passed through via a subcontract to Accra, for improvements to the compost operation, mainly towards equipment. So just to let folks know, and that was the grant that also allowed us to buy the dehydrator for the jail. So it has allowed us to do the diversion at the jail.

**Chairwoman Greene**

Okay, thank you very much. That was a really good, clear overview. And we will bear in mind about the one-ton-or-more cohort, and, and try to have a meeting to go over step by step some of the other things. I'll read it over more carefully as well. And I don't know how many of the people that worked on this initially, but we have records of those meetings. So we definitely will address this. We're not ignoring it and do it as expeditiously as possible.

**Amanda LaValle**

Thank you.

**Chairwoman Greene**

Yeah, you're welcome. Thank you for your patients tonight, and anything else on this topic? Because it is getting late. And I wanted to just mention two other items of new business. We won't go into them in depth tonight, but they're on the horizon. So one of them is it says Canada hydro Hudson River Project, but the I think formal title of it is the Champlain Hudson Power Express. And that's been on the... evolving over the last at least five years, maybe longer. And thank you, Fawn, and getting all kinds of other things popping up. You go. There are seven communities in the lower Hudson that take their drinking water from the Hudson River. And what they're concerned about is that laying of the cable will resuspend PCB and other chemical pollution that is in the sediment at the bottom of the river, and they are taking their drinking water. I, because of my day job have done a lot of research on PCBs. And generally they're fairly easily filtered out of water. That's why these communities can take their drinking water using sand or activated charcoal filters. But there are other chemicals in the sediment that are very long lasting and that are not so easily filtered out. And there are all kinds of what are called emerging contaminants so that the dredging that would need to occur could in fact, affect these municipalities Town of Exopus, Port Ewen is one example. But there are several other communities, Poughkeepsie, Town and Poughkeepsie. And at one point, I could rattle them off, but there are seven municipalities that are very concerned. And I think what I'd like to do is i'm not sure if the legislature will have a role or not. But it is an important issue in this region. So that was one and any questions are on the ,

**Legislator Petit**

I actually do, do have a comment. I mean, I've attended several of their meetings, we've been received getting presentations by the Canadian firm, and we discussed it at the Esopus Environmental Board. I mean, as far as actions go, I would like, you know, to see that the legislature come together with a statement or a letter. It's also my understanding that a lot of the processes already moved forward. But just as it was with the the pipeline. And, and using fracking material, even towns that it wouldn't directly impact, we're coming out with, you know, a statement that they were opposed to it. So, I think the more voices the better, you know, and speaking for Esopus, it's within yards of our intake for our water treatment plant, the turbidity alone could clog up our filters, and then we don't even really know how long the PCBs would be suspended. And if that would be coming into our intake as well. You know, it's quite a process or using jet clouds that are just going to stir up an eight-foot trench, it's it's pretty intensive. So, we are not and I have to drink that water. So, I'm really on favor of it. But I mean, could we make a motion or address it again next month with an example of the letter? Yeah,

**Chairwoman Greene**

I would, I would rather do that. And I think there are groups that can provide the committee with him for background information to read and, you know, get up to speed. I do want to say that in the upper Hudson, when they dredge the PCB in sediment, the communities that were taking their drinking water from that and found alternative sources during the dredging, because Half Moon, for example. And General Electric had to pay for the fact that they couldn't use the drinking water out

of the upper Hudson. But even even with what I said before about it being easily filtered. It was there was so much disruption, that it would overwhelm the ability to do that. Go ahead,

**Legislator Bruno**

Manna Jo, with respect the dredging they get up at the Half Moon, GE, cleaning up a PCBs is like apples and oranges compared to what they want to do here. I mean, we're talking they were intentionally trying to stir up and remove the PCBs from the river from the water supply. Here. They're trying to bury a cable. So it's a little different and to try to put them both in the same sentence is really disingenuous. I don't I don't buy that be honest with you. Great thing to do, don't get me wrong. But what I'm saying is that that example is really not, not realistic. what they're trying to do here by dropping my cable in the water. I think they're totally two different things.

**Legislator Petit**

I agree that, you know, they were trying to remove the silt and in this case, They're digging a trench, but what you're going to get the same results. And, you know, in Saugerties, you've said that the Esopus turbidity is impacting the community up there, and it's very...

**Legislator Bruno**

That 1000s of tons, the millions of gallons of mud, I mean, that's a completely different issue.

**Legislator Petit**

You know, using these jets and stirring up, you know, eight foot trenches, I want to get all the variation, because they've got to two hospitals there. And they're going to have to do is take the water treatment plants offline, shut them down. So they're not drying in water for maybe 48 hours.

**Legislator Bruno**

And I agree, and I'm not saying that there's not going to be that we have to do certain mitigation things while they're doing it. But it's a temporary situation, not a permanent situation. And and I understand it's a bad thing, when they come through, it's just like, when they come down your street to blacktop your road, and you gotta you can't go in and out of your house for a day or two, or whatever. The reason is, what I'm trying to say is that, that's a little different than a permanent, long reaching, long lasting effect of an environmental catastrophe of a temporary situation. And I'm not, I'm not trying to discount you, Laura, but I'm saying let's be realistic. I mean, even if even if you have to do with a temporary situation for a couple of days, the long-term effects versus the short-term problem is different. And I don't want to get caught up in a lot of rhetoric. And I'd like to see the information on both sides of what actually happened.

**Chairwoman Greene**

That's exactly what I was going to recommend is that, we asked that question ahead of time. So, when people come, they can, we're not comparing apples and oranges, but we're actually get the information for what, what the degree of resuspension and how it affected the water intakes for

drinking water communities in in one instance, and in the other. So we have, you know, real numbers and, you know, can make a wise decision, if we're going to write a letter or, you know, whatever action we're going to take, it's based on current and correct information. And that may be available. I know, it's available for the upper Hudson PCBs from the reports that were required by EPA. And I expect that the Champlain Hudson Power Express, or CHPE, as, as it's sometimes called, had to do an environmental impact statement. So there might be information there. So we'll try to, you know, be as realistic and the reason I brought it up was simply to say that, you know, even though it can't, the material can be filtered out. Those filtering systems can be overwhelmed. And let's, let's find out whether or not it will be.

### **Legislator Bruno**

We need to have real information, not feelings. That's all I'm getting at.

### **Chairwoman Greene**

And that brought up the other topic that I'd like to get a report on, and that is this. Well, it's two things. One is the turbidity that a cop is associated with the Ashokan Reservoir releases and the effect on the lower is so big, and the fact that you know, that's been going on for a while. There have been a lot of meetings, a lot of discussion, and I had hoped that between the DEP (New York City Department of Environmental Protection) and the county and the community members, that there was a way of coming up with a solution. But there have... the DEP has released a I believe it is an environmental impact statement on a plan and the community The member that are particularly in the lower Esopus region are very discouraged by it. And so that is something that I think we should know about. Again, I don't know what action we will take, but it's an important, very important environmental issue.

And then more recently, there was a proposal for creating a reservoir to allow for pump storage. So when there's a lot of energy on the grid, some of that energy would be used to pump water uphill. And when you have when you rely on solar, particularly, or renewables, particularly solar, but also wind, it's intermittent, and so storage is needed. But then there's a question of, would the DEP allow a pump storage facility, and when you flood new land to create another reservoir, it does cause the release of methane from decaying vegetation. So, there are a lot of questions. Apparently, this company never consulted with the DEP and the Town of Olive is very actively working on this issue. But it's just another important issue. It's, it's not an agenda item in the sense that it's a resolution at this point, but I get, I think, a brief presentation. Not so much on the pump storage facility, but the long-standing turbidity that is causing very serious ecological and harm to businesses along the lorry soap as a lot of the tourism and boating and, and recreational use has been impacted and for the fish they can't read. So, I think it's worth looking into him. It's really getting late and we're not looking into them tonight. But Dave Haldeman, was that one of the issues or the some of the issues that the Environmental Management Council is dealing with?

**Dave Haldeman**

Yes, indeed. In fact, we had a speaker from Riverkeeper at our last meeting, Laura Pettit was listening at that time. And we have we're working on our own resolution. And I know Amanda is with suggestions from all of us is working on something for your committee as well. Okay, and that that has been extending the comment period on that has been extended by to 90 days. So that gives us some time there. I wanted to mention that at our next meeting, I am trying to have to get a speaker on the Champlain Hudson Power line. So that's why we made it the last Wednesday of the month at 630. Online. And so if any of you would like to join us at that time, at least look at the agenda to see whether we have that speaker that may help you with some of the information that you need.

**Legislator Bruno**

Fawn, can you see that we get that information? So, we can check that out?

**Fawn Tantillo**

I'll try to get that to you. Can you send it to me, Dave? I'll certainly send it to the committee.

**Legislator Bruno**

Thank you.

**Chairwoman Greene**

And, um, let's see. Tim, Tim DeGraff has been very patient. Usually we asked for the RRA report early in the meeting. And Tim has stayed through the meeting and I just wonder if you would like to do a quick update. Is there anything that you would like to share with the committee before we adjourn?

**Timothy DeGraff**

Sure, and I'll be really brief.

Um, I know I think was Laura sent a question out to Brenna with regards to war documents from the past. And I don't know if she reached back if she returned or replied or sent a link or anything but we we've always had those documents archived on our within our events page. So if I if anyone can't find them, just just reach out to us again tomorrow and we can lead you in that direction. Um, I did want to mention too that we set I had a meeting with staff today. I'm trying to planning out each HHW (household hazardous waste) events for the year. We are on track to do an event in April, it's going to have reduced capacity instead of seven to three and say 500 residents, we're going to do eight to 12, which will probably get us about 240 or 250 residents. But we're also planning on adding an event. So we're looking at an event in April, an event in June, an event August and an event in October. Hopefully there's some type of normalcy in the world by the time October rolls around.

And then the other thing, our next, my hope is the next three board meetings, we have to have some presentations. I do have a company called Green, Green Waste Energy, that's just going to give us some information on their company on their process, on technology company. And then I'm going to try and line up another paralysis technology company for April. And then there's a potential for a company named Hughes energy that turns feedstock into pellets that you use for woodstove. So I'm hoping to line them up for me just to get the ball rolling. So that the board's aware of what's out there, what we're researching, you know, it's just more steps forward that we haven't done in the past. So those presentations I plan on having during our board meeting, so if you can't even make the meeting, everything's recorded. So.

**Chairwoman Greene**

Excellent. Thank you. Any questions or comments? Hearing none, I would seek a motion to adjourn.

**Legislator Bruno**

I'll make that motion.

**Legislator Criswell**

I'll second it.

**Chairwoman Greene**

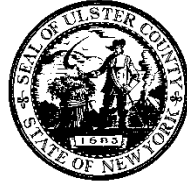
Made by Legislator Bruno, seconded by Legislator Criswell. All in favor, please signify by raising your hand and are saying aye. And thank you. And we'll be in touch.

# COUNTY OF ULSTER

## DEPARTMENT OF THE ENVIRONMENT

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**PATRICK K. RYAN**  
COUNTY EXECUTIVE



**AMANDA L. LAVALLE**  
DIRECTOR

**NICHOLAS E. HVOZDA**  
DEPUTY DIRECTOR

### Memorandum

**TO: Members of the Ulster County Legislature Energy and Environment Committee**

**FROM: Amanda LaValle, Director, Department of the Environment**

**DATE: March 1, 2021**

**SUBJECT: Food Waste Prevention and Recovery Act Update**

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#### Background

In 2019, the Ulster County Legislature enacted the "Food Waste Prevention and Recovery Act." This law requires large food scraps generators to separate food waste from the general waste stream and then either arrange for its reuse by the food insecure or for animal feed, compost it on site, or arrange for licensed services for the purpose of delivering it to a processing facility for composting or anaerobic digestion. Starting January 1, 2021, the law regulated generators producing greater than 2 tons of food waste per week. The law is scheduled to regulate generators producing less than 1 ton of food waste per week starting July 1<sup>st</sup>, 2021; generators producing greater than 0.75 tons in July of 2022; finally, generators producing more than 0.5 tons in July of 2023.

#### Update

Ulster County generators identified on the existing NYS list producing more than 2 tons per week of food waste were notified in October 2020 about the January 1<sup>st</sup> date. Forms requesting a waiver or disputing status are published on the Ulster County website. At this time no waivers or disputes of status have been requested.

However, in the ongoing technical discussion of the current law with the County Health Department, County Attorney's Office and Department of the Environment we have encountered some significant issues that we wanted to share with committee.

- 1- **Staffing-** A part time employee was hired specifically for this initiative, as per the amended 2020 budget, in February 2020. That person, due to COVID related family demands, resigned the position in July. Due to the hiring freeze, that position was not able to be re-filled and subsequently no positions were added in the 2021 budget. We currently have no staff to dedicate to this project. The Health Department has also been under severe staffing strain during 2020 into 2021.
- 2- **Generator identification methodology-** In 2020, Ulster County was using the available state databases to identify local generators covered under this law. In October of 2020 we sent notices to businesses, using the available state lists, that they would be regulated under the law. The state has since updated their methodology, and the updated lists are very different from the old ones we were working from. This presents complications going forward this year. We need to determine whether the old or new lists will be used, and provide updated guidance to the generators that were notified of their compliance obligations under the old lists.
- 3- **Definition of Financial Hardship-** Similar to other local laws, we think there needs to be definitive guidance in the law that defines financial hardship.
- 4- **Waiver language-** The present language concerning waivers in the law allow waivers to be granted for only post-consumer food scraps. It is our understanding that this was not the legislative intent. Similarly, we would request additional guidance creating a standard in the legislation for waste audits.
- 5- **Roles and responsibilities-** Additional discussion regarding implementation, enforcement and education roles as they relate to this legislation are needed. The Health Department does not regulate most of the generator sectors and we have not yet identified another responsible entity for enforcement and inspection. Due to the aforementioned staffing issues, the Environment Department has not been able to take on many of the technical and education responsibilities relative to implementation.

### **Recommendations**

Based on the immediate technical issues with the law and the lack of staffing to devote to the implementation of the law, we recommend that the enforcement date for the 1 TPW and greater cohort be delayed to January 1, 2022. We also recommend subsequent coordination and review to further revise the law to clarify the technical points listed above.



ORL data (as of October 2020)	
> 2 tons per week (tpw)	
Name	tpw
Bimbo Bakeries USA	2.60
Eastern Ny Correctional Facility	3.50
Emmanuels Marketplace	2.20
Gilded Otter	12.70
Hannaford Supermarket	23.90
Healthalliance Hospital Broadway Campus	4.20
Healthalliance Hospital Mary'S Avenue Campus	4.50
Mohonk Mountain House	14.40
Price Chopper	2.90
Rocking Horse Ranch	3.60
Royal Wine Corp	2.90
Shop Rite Supermarket	24.10
State University College At New Paltz	9.40
Stop & Shop Supermarket	5.80
Ulster Correctional Facility	3.10
Wallkill Correctional Facility	2.10
Yard Owl Craft Brewery	2.90
<b>Grand Total</b>	<b>124.80</b>

\*N/A

ORL data (released late November 2020)	
> 2 tons per week (tpw)	
Name	tpw
Adams Fairacre Farms, Inc.	2.9
Bread Alone, Inc.	2.2
Caraway Tea Company, LLC	5.4
Davenport, Robert O & Sons LLC	12.9
Duso Food Distributors, Inc.	12.2
Eastern New York Correctional Facility	2.1
Emmanuels Market Place Inc	2.2
Freskeeto Frozen Foods, Inc.	7.7
Frito-Lay North America, Inc.	9.7
Gadaletto's Seafood Market Inc	6.4
Hannaford Bros. Co., LLC	25.9
Hmshost Corporation	2.2
Hna Hudson Valley Resort and Training C	5.7
Lodge At Emerson Place	2.5
Marriott International, Inc.	3.2
Phyljohn Distributors, Inc.	13.3
Pinegrove Ranch Inc	2.9
Price Chopper Operating Co., Inc	3.7
Shop Rite Supermarkets, Inc.	11.3
Smiley Brothers, Inc.	15.2
Spotted Dog Ventures LLC	2.9
State University Of New York College At	10.4
Tee Bar Corp.	2.7
Texas Roadhouse Holdings, LLC	2.9
The Wood Company	5.8
Thomas O. Miller & Co., Inc.	15.0
Tops Markets, LLC	3.9
Wdkbb Enterprises	2.1
West End Dairy Inc	3.2
<b>Grand Total</b>	<b>198.4</b>

ORL data (as of October 2020)	
> 1 ton per week (tpw)	
Name	tpw
Benmarl Winery	1.20
Best Western Plus-Kingston	1.50
Boiceville Supermarket	1.40
Deisings Bakery	1.30
Golden Hill Health Care Center	1.80
Hudson Valley Dessert Co	1.20
Hudson Valley Rehabilitation & Extended Ca	1.30
LA Bella Pasta Mfr	1.70
Ninety Nine Restaurant	1.10
Northeast Center For Special Care	1.80
Olive Garden Italian Rstrnt	1.70
Peter's Market	1.60
Red Lobster	1.00
Sam's Club Bakery	1.00
Shawangunk Correctional Facility	1.90
Ten Broeck Commons	1.60
Texas Roadhouse	1.40
Ulster County Jail	1.10
Walmart Bakery	2.00
<b>Grand Total</b>	<b>27.60</b>

ORL data (released late November 2020)	
> 1 ton per week (tpw)	
Name	tpw
99 Boston, Inc.	1.2
Apple-Metro, Inc.	1.4
B L M N Enterprises Inc	1.4
Binnewater Ice Co Inc	1.5
Bread Alone, Inc.	1.2
Deising's Bakery & Pastry Shop, Inc	2.0
Ebb Corp.	1.4
Fleisher's Grass-Fed & Organic Meats	1.1
Fruition Chocolate, Inc.	1.5
Gardener Cheese Co Inc	1.1
Global Natural Foods, Inc.	1.1
HealthAlliance Hospital Broadway Camp	1.8
HealthAlliance Hospital Mary's Avenue C	1.8
Hmshost Corporation	1.1
Hudson Valley Dessert Co.	1.1
Hudson Valley Egg Co Inc	1.7
Kingston Motel Corp	1.4
Kingston Reaturant Corp	1.3
M.C. & E.D. Beck Inc.	1.4
Napanoch Food Co Inc	1.2
Outback Steakhouse of Florida, LLC	2.0
Plaza Diner	1.2
Red Lobster Hospitality LLC	1.2
Ruby Tuesday, Inc.	1.7
Sea To Table LLC	1.1
Shawangunk Correctional Facility	1.1
Sodexo, Inc.	2.6
Target Stores, Inc.	1.2
Ulster Correctional Facility	1.8
Ulster County Community College	1.3
Wallkill Correctional Facility	1.3
Walmart Inc.	1.2
White Glove Service, Ltd	1.5
<b>Grand Total</b>	<b>46.9</b>



CHAMPLAIN HUDSON POWER EXPRESS

## PRESENTATION TO HUDSON 7

JANUARY 21, 2021



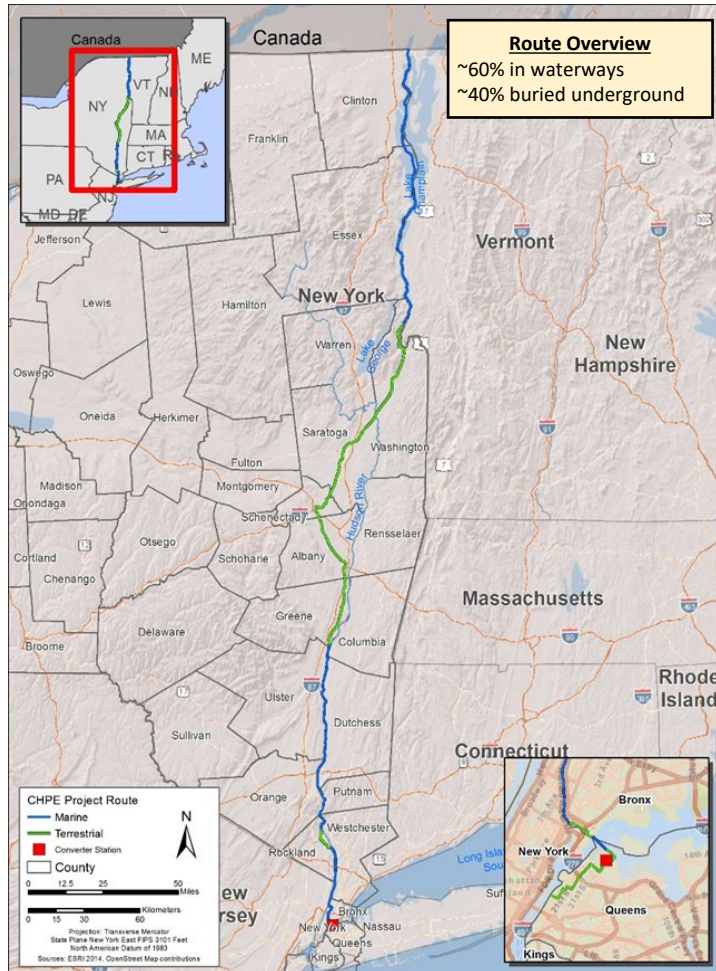
**Transmission**  
Developers Inc.

A

**Blackstone**

*Portfolio Company*

# Champlain Hudson Power Express – Overview



CHPE, LLC is supported by world class suppliers, engineers and energy infrastructure builders, and backed by Blackstone, one of the world's leading alternative asset managers.

## Project Overview

- 1,000-1,250 MW fully buried HVDC transmission project
- Delivering up to 10.4 TWh/year of new clean energy<sup>(1)</sup>
- ~300 mile route from Canadian border to Astoria, Queens
- Target in-service of 2025; 40+ year expected operating life
- Construction-ready to help meet New York's immediate energy needs (replaces up to 50% of Indian Point generation)

## Business Model

- Merchant transmission project seeking to transport Canadian renewable energy directly into New York City
- Host municipalities will receive ~\$1.7 billion in new tax revenue over the first 30 years of the project, positively impacting 73 municipalities and 59 school districts in NY State

## Regulatory & Community Support

- All major permits received (Article VII, Presidential Permit, Army Corps Permit)
- Widespread support (environmental, union, business, host communities)
- Strong local support as evidenced by 28 host municipalities passing resolutions of project support

## Environmental & Economic Benefits, Energy Resiliency

- Estimated to decrease carbon emissions by ~3.4 million metric tons per year and harmful local air pollutants by ~30%<sup>(2)</sup>
- Significant economic benefits in NY – project will utilize organized labor and is estimated to create ~2,000 jobs during construction<sup>(3)</sup>
- Buried infrastructure will make New York's aging energy grid safer, more resilient and reliable in climate change related events.

(1) Equivalent to powering one million homes

(2) Equivalent to removing 28% of passenger vehicles from New York City streets

(3) PA Consulting, [Analysis of Economic, Environmental, and Reliability Impacts to the State of New York](#)

# Champlain Hudson Power Express – Overview (Cont'd.)

## Fully Permitted

### Article VII State Siting Permit Issued April 2013

- On April 18, 2013, CHPE received the Certificate of Environmental Capability & Public Need from the NYS Public Service Commission



### Presidential Permit Issued October 2014

- Led by the U.S. Department of Energy, an Environmental Impact Statement was completed due to the cross-border nature of Project

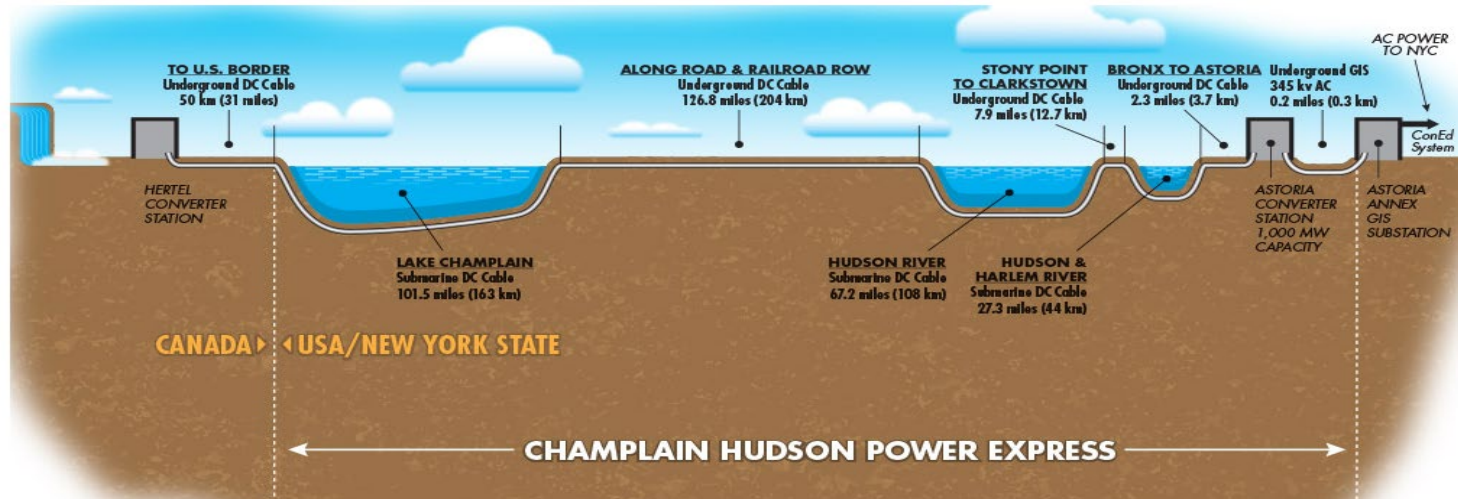


### Army Corps Permits Issued April 2015

- ACOE Sections 10 and 404 permits are required to ensure compliance with Clean Water Act and Rivers and Harbors Act



**US Army Corps  
of Engineers®**





# Hudson River Team

## Transmission Developers, Inc. (TDI)

- TDI was founded in 2008 with the goal of developing unique energy transmission projects in an environmentally responsible manner
- The company, headquartered in New York, NY, uses HVDC cable to link clean, highly competitive generation resources with markets that need supply diversity, enhanced reliability and long term lower costs
- TDI was acquired by the Blackstone Group in January 2010:
  - New York based asset management firm founded in 1985; public in 2007 (NYSE:BX)
  - Significant development capital invested to date in TDI's Champlain Hudson Power Express and New England Clean Power Link projects
  - Fully prepared to commit 100% of the project equity capital required to develop and construct
  - Deep, long term commitment to energy and natural resources with significant greenfield and brownfield development experience
- Additional information is available at <https://chpexpress.com>

## Intertek

- Intertek Energy & Water Consultancy Services (formerly Metoc):
  - >20 major power cable systems, incl. >10 interconnectors
  - >25 offshore wind farm projects

### Planning & Design

- Route & Landfall Feasibility
- Survey Design & Management
- Subsea & Land Cable Route Engineering
- Burial Assessment & Protection Strategy

### Procurement & Construction

- Cable supply & installation contract and procurement strategy
- Asset integrity strategy
- Factory acceptance testing
- Load-out supervision
- Installation supervision and QC

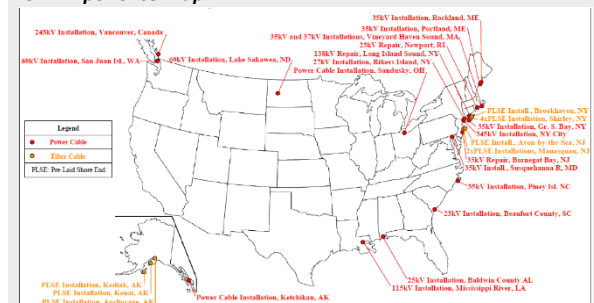
### Operation & Maintenance

- Post-installation inspection
  - Depth of burial monitoring
  - GIS-based asset management
  - Emergency response plans
  - Client survey representation
- Additional information is available at <http://www.intertek.com/>

## Caldwell Marine International (CMI)

- With over 60 years of marine construction and submarine cable experience, CMI (1) provides a highly effective team of professionals experienced with all aspects of submarine cable operations and (2) maintains an array of specialized cable handling equipment, cable embedment plows, cable and cable support vessels, and marine facilities
  - The Caldwell Group specialized in submarine cable operations from 1963 until 1998 when it was purchased by General Dynamics (GD) Corp.
  - In 2003, the Caldwell division was sold to Northeast Remsco Construction (JAG Companies), a heavy civil general contractor, and renamed Caldwell Marine International
  - The combined companies have completed over \$1 billion in construction projects and have a Performance Bonding limit of \$500+ million, reflecting the ability to complete projects within schedule and on budget
- Additional information is available at <http://www.caldwellmarine.com/>

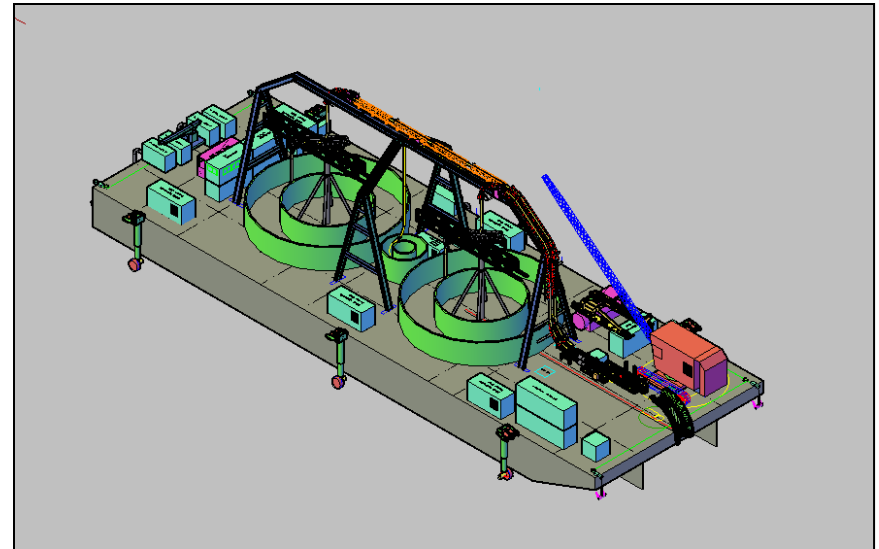
### CMI Experience Map



# Hudson River DP II Barge

## Dynamically Positioned, 300'x100' Cable Lay Barge

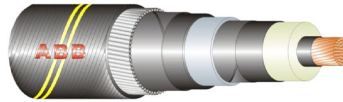
- Propulsion
  - 3,500 HP
  - Six 360° Azimuthing Thrusters
  - Class II
- All major systems have redundant backup
- Machinery
  - 15 ton LCEs
  - 5 Point Moor on Wire
  - Mechanized Coiling Machine
  - 100 ton Crane
  - Two 400kW Generators
  - 100kW House Power



# Overview of Technology and Installation

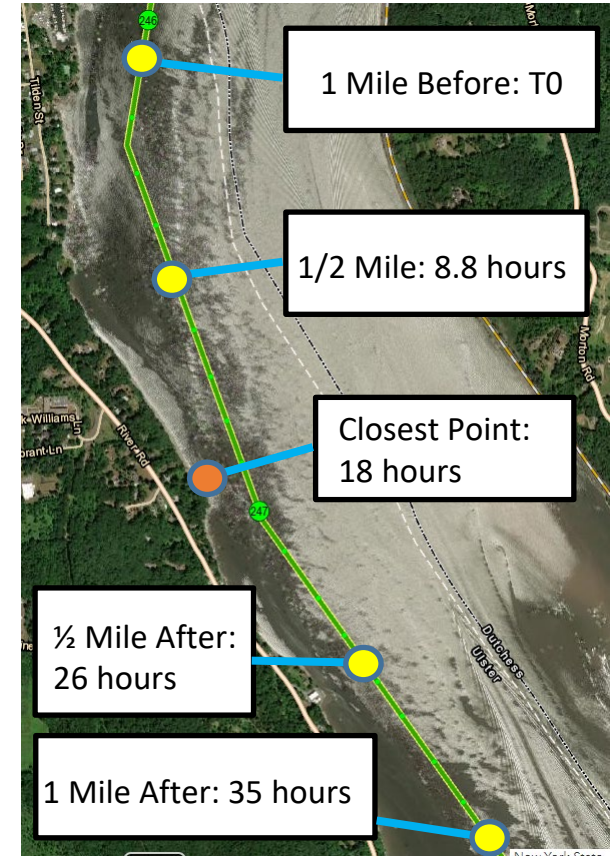
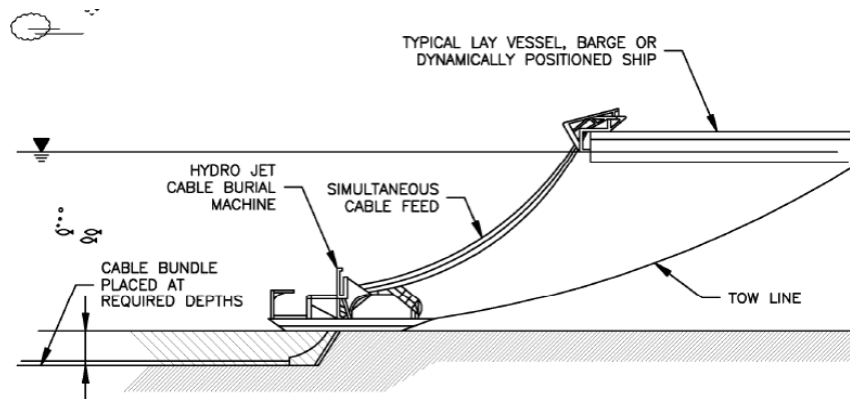
## HVDC Transmission Cables

- Two ~5-inch diameter cables are buried / submerged along the entire route
- Cables bundled into single 2-foot wide trench
- Cables are solid state and do not contain liquids



## HVDC Installation

- Cables near Hudson 7 PWS installed with jet plow
- Sediment fluidized, with much of sediment settling back into trench
- Minimum installation rate of 300 feet / hour and supervised by environmental inspectors based on permit conditions
- Impacts related to installation and operation deemed minimal by state and federal agencies



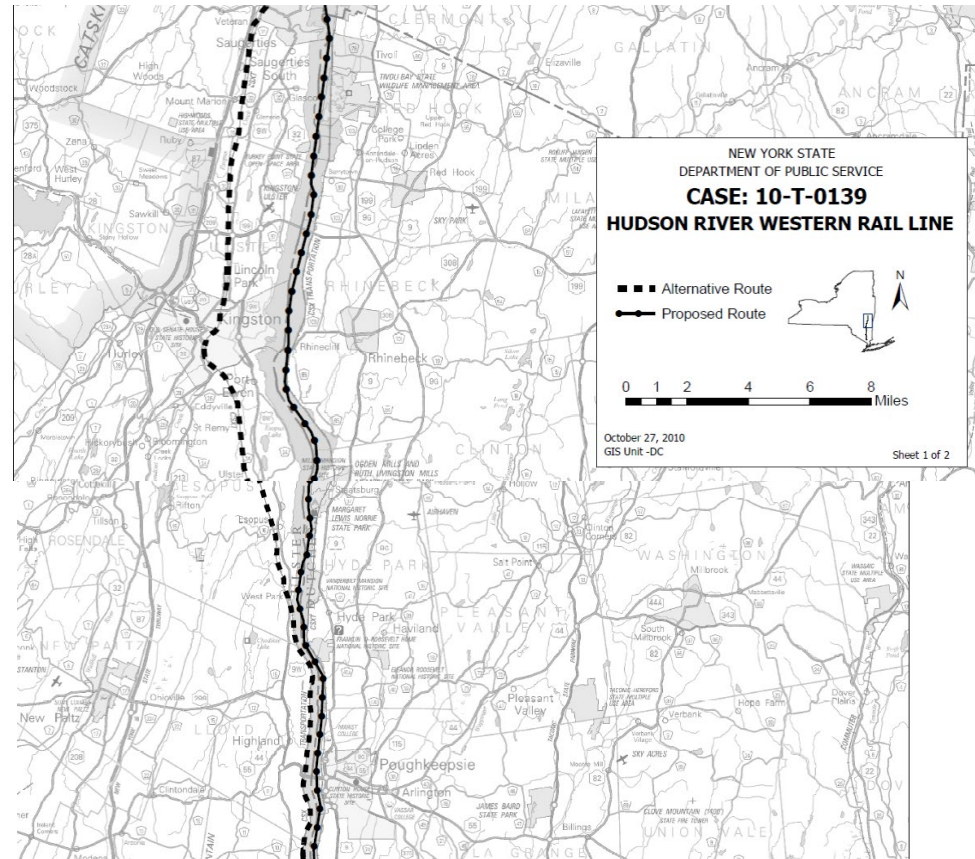


# Burial Tools – High Performance Plow System



# Alternatives Analyses

- New York State Department of Public Service provided alternatives, including Hudson River Western Rail Line
- Alternative routing would be overland from Bethlehem to Clarkstown
- Overland routing was incorporated to Cementon and then a bypass of Haverstraw Bay
- Joint Proposal states “alternatives analysis provided as Exhibit 86 demonstrated that there were no feasible alternatives to locating the HVDC Transmission System in the Hudson River between Cementon and Haverstraw Bay.”





# CSX Rail ROW – Rockland



Previously was only single-track with substantial room for construction

No equipment access or area in drop off for installation



Requires a substantial HDD with private property easements for launching/receiving



The construction of a 2nd track will result in no space for access / installation



Railroad ROW completely occupied with CSX and Orange & Rockland facilities



No ROW available due to rock faces -- State park prohibits ledge installation



The drop-off, construction of a 2nd track and Orange & Rockland facilities in ROW make installation impossible

# Joint Proposal of Settlement

## Joint Proposal of Settlement

- Agreement that interests of parties given “fair and reasonable” consideration and project is in “public interest”
- Thirteen signees, including seven state agencies, Riverkeeper, and Scenic Hudson

## Settlement Negotiations

- Settlement negotiations conducted over 16-month period and covered wide variety of topics, including water quality and water intake systems
- Public Service Commission’s regulations for settlement require participants to keep the positions of all parties confidential
- TDI is therefore limited in terms what can be said about the process of developing the Joint Proposal and the associated Certificate Conditions

BEFORE THE  
PUBLIC SERVICE COMMISSION  
STATE OF NEW YORK

Application of Champlain Hudson Power  
Express, Inc. and CHPE Properties, Inc. for  
a Certificate of Environmental Compatibility  
and Public Need Pursuant to Article VII of  
the Public Service Law for the Construction,  
Operation and Maintenance of a High-  
Voltage Direct Current Circuit from the  
Canadian Border to New York City.

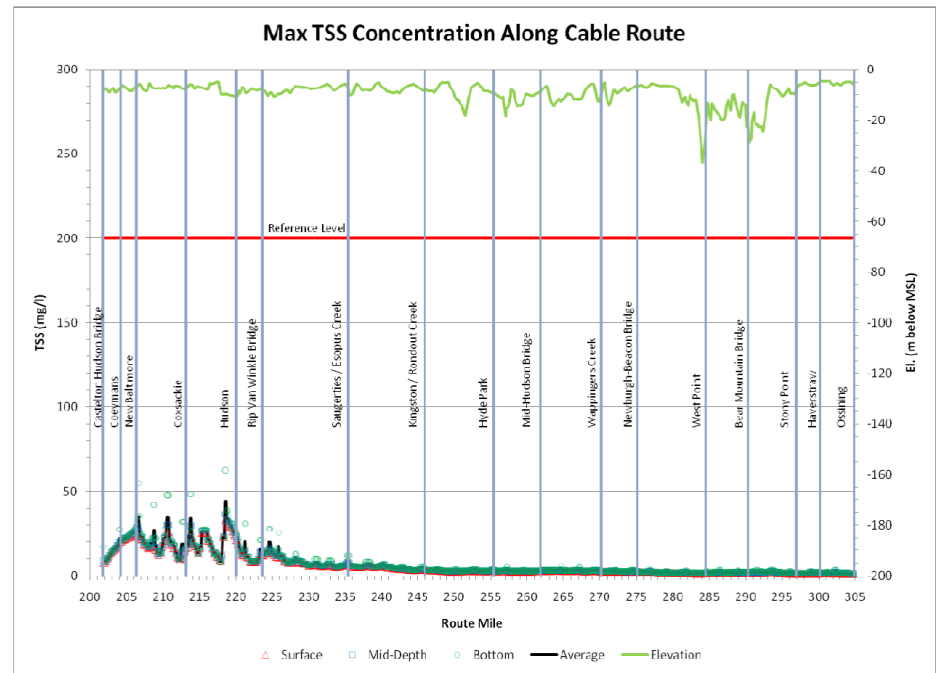
Case No. 10-T-0139

JOINT PROPOSAL

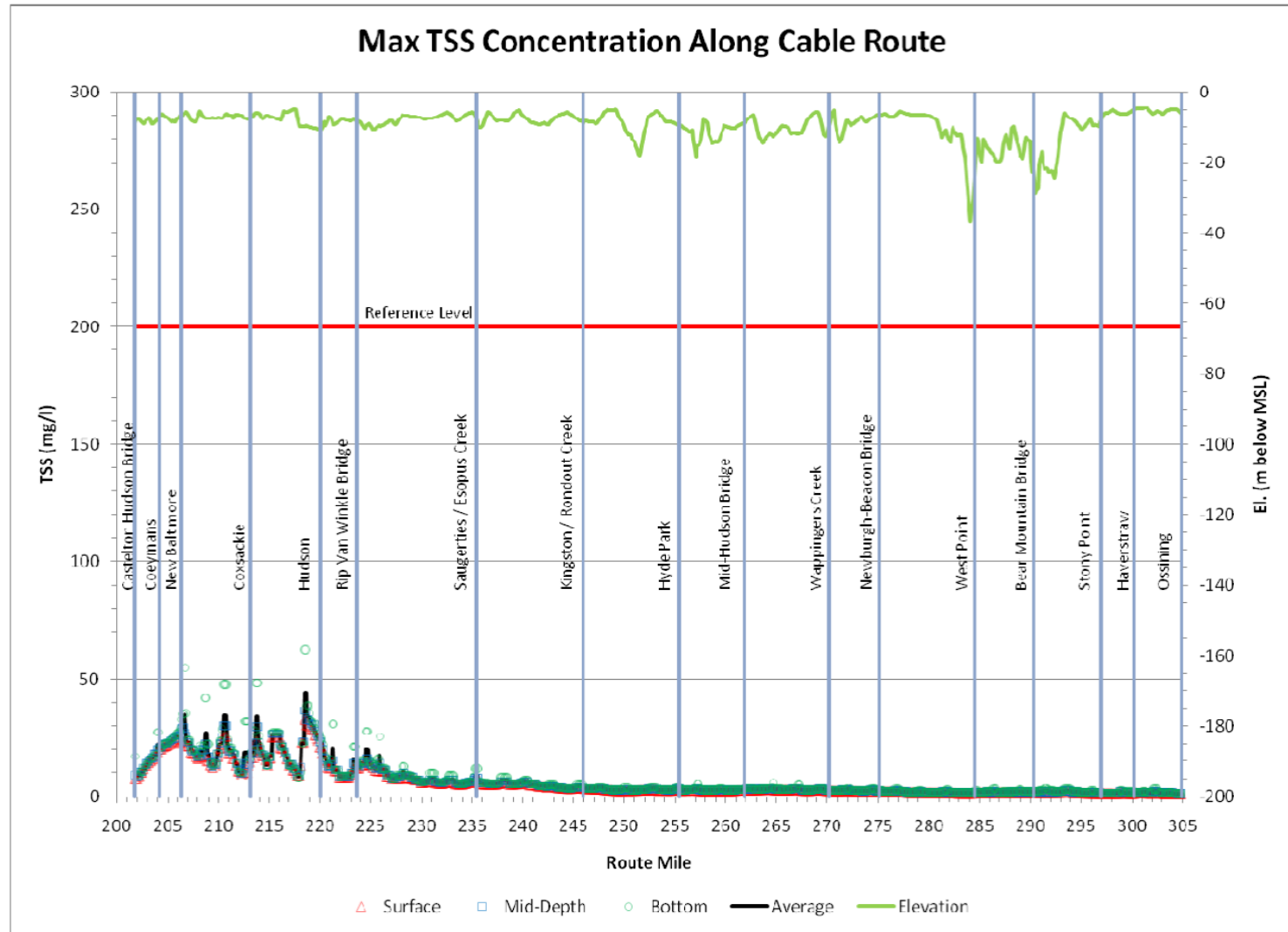
Champlain Hudson Power Express, Inc. (“CHPEI”), CHPE Properties, Inc. (“CHPE Properties,” and, together with CHPEI, “the Applicants”), Staff of the New York State Department of Public Service designated to represent the public interest in this proceeding (“DPS Staff”), the New York State Department of Environmental Conservation (“NYSDEC”), the New York State Department of State (“NYSDOS”), the New York State Department of Transportation (“NYSDOT”), the Adirondack Park Agency (“APA”), the New York State Department of Agriculture and Markets (“Ag & Mkts”), Riverkeeper, Inc. (“Riverkeeper”), Scenic Hudson, Inc. (“Scenic Hudson”), the City of Yonkers, the New York State Council of Trout Unlimited (“Trout Unlimited”), the City of New York (“CNY”), the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) and the Palisades Interstate Park Commission, and any other parties executing this Joint Proposal (collectively, “the Signatory Parties”) respectfully submit this Joint Proposal on the 24<sup>th</sup> day of February, 2012,

# Water Quality Modeling

- Three-dimensional hydrodynamic and time-variable water quality model
- From Rhinebeck (MP 244) to Lloyd (MP 260), the expected increase in the concentration of Total Suspended Solids (TSS) is expected to be less than 10 mg/L at the surface
- Modeling for arsenic, cadmium, mercury, benz(a)anthracene, pyrene, copper, lead, and phenanthrene showed levels below Acute Aquatic Standard
- For PCBs, concentrations below Class A water quality standard for human health as a water supply



# Water Quality Modeling (Cont'd.)



# Monitoring Procedures

## **Pre-Installation Trial**

- Pre-installation trials of jet plow to simulate cable installation and refine operating configurations
- Results submitted to Department of Public Service and Department of Environmental Conservation
- Report provided as part of Environmental Management and Construction Plan (EM&CP)

## **Installation Monitoring**

- Real time monitoring of Total Suspended Solids and turbidity
- Laboratory testing for TSS (to calibrate field instruments) and chemical parameters
- Daily reporting of monitoring results

## **PWS Monitoring**

- Funding for pre- and post-installation and debris removal work
- Open to providing funding for turbidity monitoring while in-water work is occurring

# Other Concerns

## **PWS Notification**

- Notice of EM&CP availability will be provided one month in advance
- Notify operators at least 30 days before any underwater work within one mile of facility

## **Construction Window**

- Letter suggests no construction between May 15<sup>th</sup> and September 15<sup>th</sup>
- However, required to install from August 1<sup>st</sup> and October 15<sup>th</sup> in this section of the Hudson River
- Installation in August also avoids higher turbidity levels in the fall reported by operators





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