

EXHIBIT

0-5-8-13, 5/28/13

NOTICE OF POSTING: NOTICE TO BIDDERS: BUS TRANSPORTATION FOR THE ORANGETOWN
SUMMER DAY CAMP

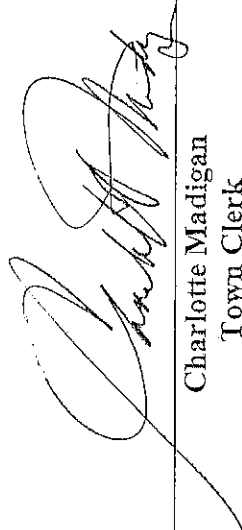
STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN } SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN Of ORANGETOWN*, in the County of Rockland, State of New York.

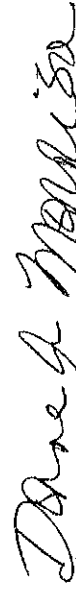
That, on the 6th day of May 2013, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of herof, in the following places, at least one of which is a public place within the *TOWN Of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.


Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 6th day of May, 2013



DONNA A. MORRISON
Notary Public, State of New York
No. 01MO5081099
Qualified in Rockland County
Commission Expires June 30, 2015

NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Orangeburg Road, Orangeburg, New York until **10:30 A.M.** on **May 17, 2013**, and publicly opened and read aloud at **11:00 A.M.** on that day for furnishing **BUS TRANSPORTATION FOR THE ORANGETOWN SUMMER DAY CAMP**, in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Director of Parks, Recreation and Buildings, will submit a report of all bids received and his recommendations concerning the awarding of a contract at a meeting of the Town Board on **MAY 28, 2013**.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

Each proposal must be accompanied by a certified check of the bidder or by a **bid bond** satisfactory to the Town of Orangetown, duly executed by the bidder as principal, having surety thereon, a surety company approved by the Town of Orangetown in the amount of **five percent (5%)**. Such checks or bid bonds will be returned to all except the three (3) lowest bidders within forty-eight (48) hours after the bids have been opened by the Town. The bid security of the three (3) lowest bidders will be returned after the accepted bidder has executed the contract and furnished the required performance bond and insurance.

It is understood that the Contractor shall be required to post a **Performance Bond** acceptable to the Town Attorney by a bonding company acceptable to the Town in the amount of **one hundred percent (100%)** of the contract price, and assuring full performance.

The successful bidder upon failure or refusal to execute and deliver the contract and bond required within ten (10) days after it has received notice of the acceptance of the proposal, shall forfeit to the Town of Orangetown and as liquidated damage for such failure or refusal, the security deposited with this proposal.

Attorneys in Fact who sign bid bonds or contract bonds must file with each bond a certified copy of their Power of Attorney to sign said Bonds.

No proposals will be accepted by facsimile.

Only qualified bidders who have adequate experience, finances, equipment and personnel will be considered in making awards.

By order of the Town Board of the Town of Orangetown.

ARIC T. GORTON
DIRECTOR

CHARLOTTE MADIGAN
TOWN CLERK

DATED: **April 30, 2013**

AFFIDAVIT OF PUBLICATION

FROM

The Journal News

Florence Bonilla

_____ being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notary annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See

ZONE DATE
RK 05/03/2013

Signed _____

Sworn to before me

This 8th day of May 20 13

Notary Public

JESSIE L A

Notary Public

No. 0

Qualified in Y

Commission Exp

in the Town 2014

NOTICE TO BIDDERS
SEALED BIDS WILL BE RECEIVED BY THE TOWN BOARD OF THE TOWN OF ORANGEBURG AT THE TOWN CLERK'S OFFICE, 26 ORANGEBOURNE ROAD, ORANGEBOURG, NEW YORK 10961 UNTIL 12:30 P.M. ON MONDAY, MAY 13, 2013. BIDDERS MUST BE PRESENT TO SIGN AND VERIFY BIDS AT 11:55 A.M. ON THAT DAY. FOR FURNISHING OF TRANSPORTATION FOR THE ORANGEBURG SUMMER DAY CAMP in accordance with the contract documents on file with and which may be obtained at the town clerk's office. The Director of Parks, Recreation and Buildings will submit a report on all bids received and his recommendations concerning the awarding of a contract at a meeting of the Town Board on May 26, 2013. Bidders reserve the right to walk any information in the bidding and to reject any and all bids. No bid will be accepted without a non-collusion statement as required pursuant to Section 106 of the General Municipal Law. Bid contracts are required to have been awarded by the Town Board in resolution and the Town At-Large and until after it has been executed by the Supervisor of the Town of Orangeburg. All contracts are subject to approval and approval have been provided for in the Town 2014 Budget. Each proposal must be accompanied by a certified check of the bidder or by a bid bond satisfactory to the Town of Orangeburg, duly executed by a duly authorized person, a surety company approved by the Town of Orangeburg in the amount of five percent (5%) of the checks or bid bonds will be returned to all except the three (3) lowest bidders within forty-eight (48) hours after this bid is opened. Bids opened by the three (3) lowest bidders will be returned to the three (3) lowest bidders. Bids will be returned to the bidder after the accepted bidder has executed the contract and furnished the required performance bond and insurance. It is understood that the Town Board shall be responsible for the purchase of the Town of Orangeburg. The amount of the bid bond shall be ascertained by the Town of Orangeburg and as stipulated in the proposal. The Town of Orangeburg shall be responsible for such failure to provide security or refusal to provide security for such failure to provide security. Bidders who sign bids or contracts must file with each bid a certified copy of their power of Attorney to sign said Bids. No proposals will be accepted by the Town Board unless the bidder has the qualifications, experience, financial resources and personnel will be considered in making awards. By order of the Town Board of the Town of Orangeburg, ARIC MATTIAMBIGAN, TOWN CLERK, DIRECTOR TOWN CLERK. DATED: April 30, 2013.

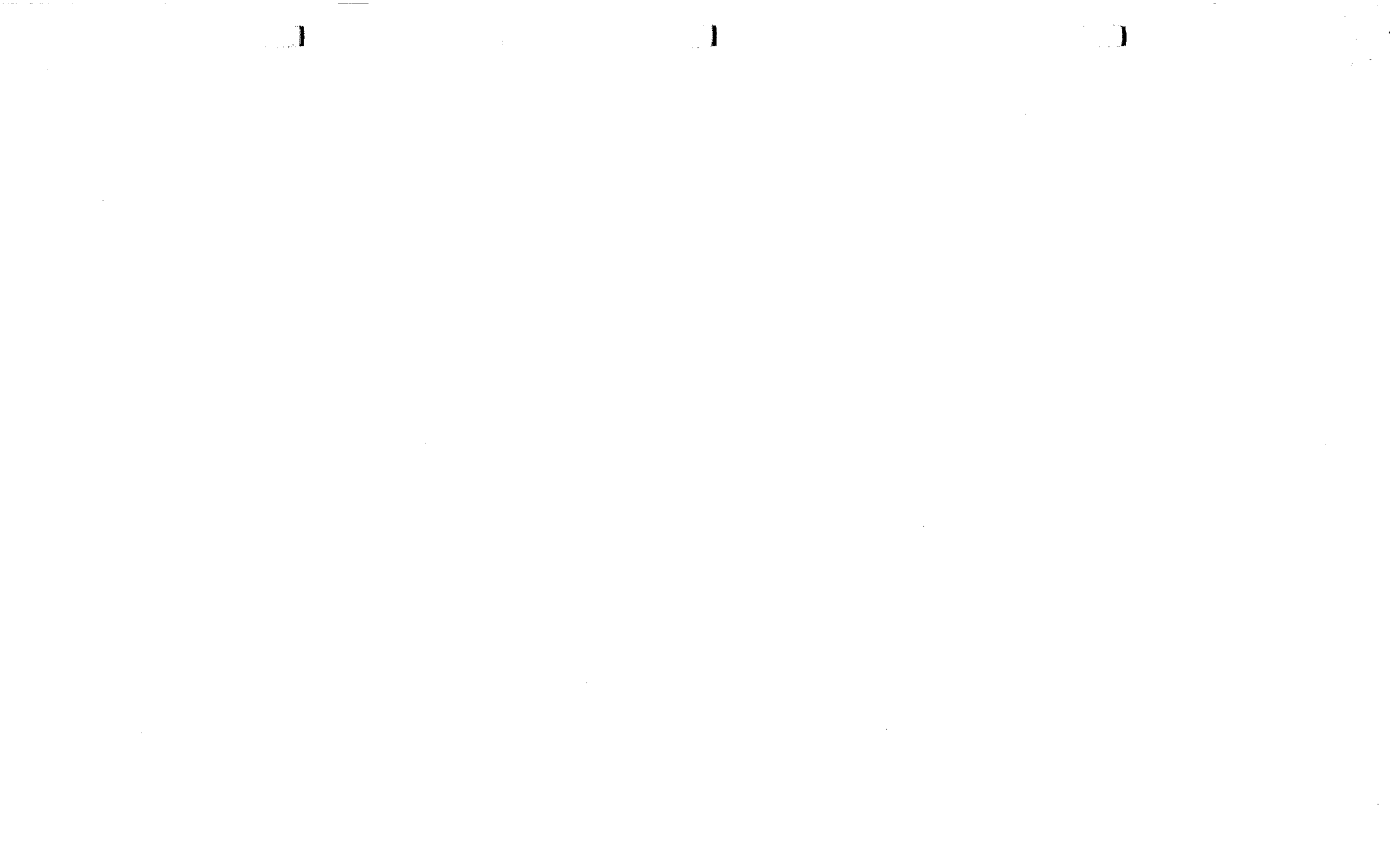
Legend:

- Northern Area (AN): Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson
- Central Area (AC): Ardsley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains
- Southern Area (AS): Stony Point, Suffern, Tarrytown, Tappan, Thielles, Tomkins Cove, West Haverstraw, West Nyack
- Greater Westchester (GW or LGW): Includes Northern area, Southern area and Central area. (See details below each area)
- Westchester Rockland (WR): Includes Greater Westchester area and Rockland area.
- Rockland Area (A5 or AR): Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tappan, Thielles, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Express (XPWR):

- Amawalk, Ardsley, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson
- Pleasantville, Port Chester, Pound Ridge, Purchase, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Tappan, Thielles, Tomkins Cove, West Haverstraw, West Nyack
- Stony Point, Suffern, Tarrytown, Tappan, Thielles, Tomkins Cove, West Haverstraw, West Nyack

AD# 3491252



EXHIBIT

05-C-13, 5/28/13

NOTICE OF POSTING: NOTICE TO BIDDERS: CAST IRON CURB INLETS.

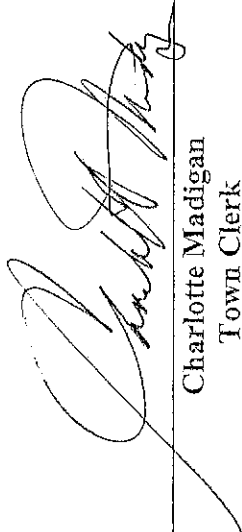
STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN } SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN Of ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 18th day of April 2013, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of herof, in the following places, at least one of which is a public place within the *TOWN Of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.


 Charlotte Madigan
 Town Clerk

Subscribed and sworn to before me

This 18th day of April, 2013

Donna A. Morrison

DONNA A. MORRISON
 Notary Public, State of New York
 No. 01M05081099
 Qualified in Rockland County
 Commission Expires June 30, 2015

TOWN

NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Orangeburg Road, Orangeburg, New York until 10:30 A.M. on May 2, 2013 and will be publicly opened and read aloud at 11:00 A.M. for furnishing CAST IRON CURB INLETS, in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Superintendent of Highways will submit a report to the Town Board of all bids received and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103d of the General Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

By order of the Town Board of the Town of Orangetown.

DATED: April 17, 2013

JAMES J. DEAN
SUPERINTENDENT OF HIGHWAYS

CHARLOTTE MADIGAN
TOWN CLERK

Ad Number 3485672 Size 77 Start Date 4/17/2013 End Date 04/17/2013
Run dates: 04/17

Ad Text:

NOTICE TO BIDDERS
SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Grangeburg Road, Orangetown, New York until 10:30 A.M. on May 2, 2013 and will be publicly opened and read aloud at 11:00 A.M. for furnishing **CAST IRON CURB INLETS**, in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Superintendent of Highways will submit a report to the Town Board of all bids received and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids. The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103a of the General Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

By order of the Town Board of the Town of Orangetown,

DATED: April 17, 2013

JAMES J. DEAN CHARLOTTE
MADIGAN SUPERINTENDENT OF
HIGHWAYS
TOWN CLERK

BID OPENING TIME

11:00 AM

DATE

May 2, 2013

<p>CONTRACTOR NAME & ADDRESS</p>	<p>Don Kirk 5110 Spring St. E Jordan, HI Campbell Foundry Co Harrison, NC 27049</p>			
<p>DATE RECEIVED</p>	<p>4/30/13</p>	<p>4/30/13</p>		
<p>TIME RECEIVED</p>	<p>9:48 AM</p>	<p>8:42 AM</p>		
<p>NON COLLUSION STATEMENT</p>				
<p>BID BOND or CERTIFIED CHECK</p>				
<p>Watertight Frame and Cover, Heavy Duty, Square Flange, Campbell Foundry Co. Pattern No. 1564 or equal</p>				
<p>PRICE</p>	<p>No Bid 405.00</p>			
<p>Drop Inlet, Single Frame and Concave and Grate, Heavy Duty, 36"x22" Campbell Foundry Co. Pattern No. 3400 or equal</p>				
<p>PRICE</p>	<p>No Bid 395.00</p>			

11

12

13

EXHIBIT

0-D-13, 5/28/13

Town Board of the Town of Orangetown:

Andy Stewart, Supervisor
Denis Troy, Councilman
Tom Morr, Councilman
Paul Valentine, Councilman
Tom Diviny, Councilman

Charlotte Madigan, Town Clerk

May 28, 2013

Re: NYS DEC Issues Conference for Haverstraw Water Supply Project
Sponsored by United Water New York
A wholly owned subsidiary of United Water New Jersey

Honorable members of the Town Board of the Town of Orangetown:

I am writing to urge the Town Board to pass a memorializing resolution requesting the New York State Department of Environmental Conservation (NYS DEC) to hold an Issues Conference in the matter of United Water New York's application to construct and operate a Hudson River desalination plant known as the Haverstraw Water Supply Project (HWSP).

There are substantial issues of fact regarding the cost of, need for, safety of, environmental impacts of and alternatives to this proposed project.

Tens of thousands of Rockland County residents have expressed their opposition to this proposed project, to the New York State Department of Environmental Conservation and to New York State Governor Andrew Cuomo, by way of phone calls, emails, letters, petitions and formal comments as part of the State of New York Environmental Quality Review Act process.

Not holding an Issues Conference would deprive the citizens of Rockland County due process in this matter.

There are dozens of topics that must be examined. For your consideration The Economic Cost Of Hudson River Desalination, The Need For Additional Water Supply, Flooding Caused By Hudson River Desalination and Alternatives To Hudson River Desalination are highlighted below.

The Economic Cost of Hudson River Desalination

Approval of the Haverstraw Water Supply Project will result in a *De facto Water Tax Levy of from \$270.00 to \$485.00 per United Water customer per year.*

From testimony to the New York State Public Service Commission on 3-8-2010 by Michael J. Pointing, United Water New York Vice-President and General Manager.

“The Haverstraw Water Supply Project is currently estimated to cost approximately \$140 million when completed.” ***“This is significant and should be considered in relation to the overall customer cost upon completion of the facility which could easily approach \$270 to \$300 per customer per year. The equivalent of a phase-in through incremental surcharges will lessen the rate shock that would otherwise exist.”*** (See: Michael Pointing PSC Testimony 3-8-2010 Page 36 Line 23 through Page 38 Line 2)

United Water’s proposed Hudson River Desalination Plant will cost United Water’s 70,000 Rockland customers an additional \$19 million to \$21 million per year according to Mr. Pointing’s estimates.

In October 2009 United Water produced a PowerPoint presentation regarding the proposed Hudson River Desalination Plant. In that presentation the annual revenue requirement was estimated to be \$25.1 million. (See: United Water PowerPoint; Orlando, Florida 10-13-2009 slide 8)

The actual additional cost could be at least \$34 million per year or \$485 per customer per year. (See: Annual Cost To Customers Of Hudson River Desalination)

The Need For Additional Water Supply

The need for an additional water supply for Rockland County also must be questioned. United water has a long history of diverting Rockland’s Water supply to New Jersey. In 2007, United Water was fined by the New York State Department of Environmental Conservation for excess releases of water from the Lake DeForest Reservoir that summer. Even as the New York state Public Service Commission was considering the need for additional water supply, United Water was releasing additional water to New Jersey. ***From September 2003 through December 2006, at times when Lake DeForest was below 100 percent of capacity, on average United Water was releasing an additional 6.26 million gallons per day of Rockland’s water to New Jersey, above and beyond its NYS DEC operating permit.*** (See attached HWSP Bob Dillon Comments to NYS DEC - Section 1. Excess flow of the Hackensack River to New Jersey Pages 2-4)

Flooding Caused By Hudson River Desalination

United Water intends to operate the Haverstraw Water Supply Project continuously and at full capacity adding up to 7.5 million gallons per day to United Water’s Rockland County distribution system thus allowing United Water to reduce production from existing treatment plants. (See: DEIS Chapter 2.5.5. WATER SUPPLY SYSTEM MANAGEMENT pages 36 & 37 and Figure 2-16 / UNITED WATER Haverstraw Water Supply Project Illustrative Monthly Average Day Supply without and with the Proposed Project)

Even during wet years, such as 2011 when Rockland County received over 75-inches of rainfall, the plant would operate continuously and at full capacity.

Adding 7.5 million gallons per day to any ecosystem with a fully charged aquifer and reservoirs that are spilling into wetlands, rivers and streams that are already filled to capacity can have no other result except to cause additional flooding.

Adding 7.5 million gallons per day to United Water's supply system, from the Haverstraw Water Supply Project, will allow United Water to reduce production from its existing sources of water supply. This will result in additional flows of the Hackensack River, Saddle River, Mahwah River and Ramapo River basins and will result in additional flooding in New York and New Jersey. (See attached HWSP Bob Dillon Comments to NYS DEC - Adverse Impacts - Flooding Caused By Cross-Basin Export Pages 10-11)

Alternatives To Hudson River Desalination

United Water has dismissed water supply alternatives suggested in the USGS report and has instead opted for Hudson River desalination.

Alternatives to a Hudson River desalination plant have not been given proper consideration. Here are just a few:

- Additional production from Lake DeForest when water is abundant would allow for water production from the bedrock aquifer wells scattered throughout the county, to be reduced or totally rested when not needed. This would shorten the recharge intervals of the bedrock aquifer wells and assure their availability during periods of peak demand. United Water's Lake DeForest water treatment plant has a capacity of 20 million gallons per day. However, the New York State Department of Health (NYS DOH) currently limits production to an average of 10 million gallons per day. The best alternative to meet Rockland's future water needs is to eliminate this NYS DOH production limit and operate Lake DeForest as it was originally intended, "solely for the benefit of the citizens of Rockland County." (See: New York State Department of Conservation Lake DeForest Decision of 7-23-1952 authorizing the construction of Lake DeForest - Page 10 paragraph 37)
- On 7-22-1965 the New York State Department of Conservation (now NYS DEC) ruled that in granting its approval for the construction of Lake Tappan it did not relinquish its right to consider any future application, which may come before it for the taking of a supply of water from Lake Tappan. (See: Lake Tappan Decision of 7-22-1965 CONDITIONS Pages 5 and 6) Arthur J. Prindle, Esq., Town Attorney for the Town of Orangetown argued during his cross-examination of George H. Buck, P.E., President, Hackensack Water Company (now United Water New Jersey) that Rockland County should receive an additional allocation from the Hackensack River of 5 million gallons per day, half of the expected 10 million gallons per day increase in yield expected to be created by Lake Tappan. (See: Lake Tappan Hearing of 5-19-1965 Pages 41 through 45)
- The former Rockland State Hospital at one time had a population of nearly 10,000, residents and staff, whose water needs were served by an extensive well system. These wells are still in place and could be renovated and reactivated to augment United Water's supply system.

- ***United Water New Jersey is considering constructing a new reservoir or using wastewater from Rockland County to replenish their existing New Jersey reservoirs.*** In 2010 Donald Distanto, director of master planning for United Water, said the company is studying two different projects to increase its system capacity. One involves building a reservoir on the Passaic River at Dundee Dam in Clifton, and the other ***involves reusing water taken out of the Hackensack River watershed by two wastewater plants in Rockland County, which now discharge it into the Hudson River.*** Why are these options not viable for Rockland County? (See: <http://www.njspotlight.com/stories/10/0825/2232/>)

Respectfully,

Bob Dillon
New City, NY

Attached:
HWSP_Bob_Dillon_Comments PDF
This email as WORD doc.

Comments On:

**United Water New York, Inc.
Haverstraw Water Supply Project**

Re: NYS DEC Draft Environmental Impact Statement

To:
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway, 4th floor
Albany, NY 12233

Re: NYS DOS Application F-2008-0753

To:
New York State Department of State
Division of Coastal Resources
One Commerce Plaza
99 Washington Ave
Albany, NY 12231

April 20, 2012

By:
Bob Dillon
DillonFloods@gmail.com

Rockland Water Coalition
Member
<http://sustainablerockland.org/>

Rockland Residents Against Flooding Tomorrow (Rockland RAFT)
Member

United Water Haverstraw Water Supply Project

Since 2007, I have been studying the history of United Water's Hackensack River dams, their permits, their operation and information obtained from the USGS regarding the flow of the Hackensack River from 1959 to date.

The following comments relate to topics that were either not addressed or inadequately addressed in the DEIS.

Need, Purpose and Socioeconomics

Excess flow of the Hackensack River to New Jersey

Please see the attached Excel worksheet:

Excess flows of the Hackensack River to New Jersey 1959 – 2010

The New York State Department of Conservation Lake DeForest Decision of 7-23-1952 authorizing the construction of Lake DeForest states, "This Commission has the full power to see that this project is operated solely for the benefit of the citizens of Rockland County. The only benefit to the Hackensack Water Company (United Water New Jersey) and the people of New Jersey is the incidental benefit of a regulated flow in the river." (Page 10 paragraph 37)

In 2007, United Water was fined by the New York State Department of Environmental Conservation (DEC) for excess releases of water from the Lake DeForest Reservoir that summer. As of October 2007, Lake DeForest was at 57 percent of its capacity, and officials were concerned that a lack of adequate rain and snow over the coming months could lead to water supply problems in the spring. The excessive releases to New Jersey totaled approximately 1.2-billion gallons from June through December of 2007. 1.2-billion gallons equals 21 percent of the storage capacity of Lake DeForest. Without the excessive releases, Lake DeForest would have only dropped to 78 percent of its capacity and very few would have taken notice.

Data from the United States Geological Survey (USGS) shows that excess releases from Lake DeForest have been going on for decades. The DEC Lake DeForest discharge permit was formulated not only to allocate to Rockland County its share of Lake DeForest water, but to also protect the Hackensack River ecosystem and provide New Jersey with its share of the river's flow. There is no authority for United Water to exceed the discharge provisions of that permit.

Prior to 2008, United Water commonly released Lake DeForest water to New Jersey in excess of the DEC operating permit. These excess releases generally occurred at times when Lake DeForest was below 100% of capacity and water was not spilling over the dam. Instead, United Water was regulating the flow by releasing water through control vales at the Lake DeForest Dam. From September 2003 to December 2007, the United States Geological Survey's Hackensack River West Nyack monitoring station recorded an average flow of approximately 13.76 million gallons per day in months when Lake DeForest was below 100% of capacity. As a result, the average flow to New Jersey exceeded the amount permitted by the DEC by 6.01 million gallons per day.

The excessive releases from September 2003 to December 2007 are significant not only for the 2.7 billion gallons of Rockland's water that was deliberately diverted to New Jersey by United Water, but also for the lack of supervision by the New York State Department of Environmental Conservation, the County of Rockland Department of Health and other regulators. These excess releases occurred at the same time that the County of Rockland, the New York State Public Service Commission (PSC), United Water and others were advocating the development of an additional long-term water supply for Rockland.

In April 2010, Dr. Daniel M. Miller, Bureau Head for the Water Supply Bureau of the Rockland County Department of Health, gave testimony to the PSC regarding United Water's request for a rate increase. As part of his testimony Dr. Miller referred to a recent U.S. Geological Survey study, which concluded that, on average, from 1965 to 2008 an additional 19.25 million gallons per day more than required, was flowing to New Jersey for use by United Water New Jersey. (See Dr. Daniel M. Miller PSC Testimony 4-30-2010 Page 22 lines 6 through 11)

The attached worksheet concurs with Dr. Miller's testimony by calculating that from 1965 to 2008 on average an additional 19.46 million gallons per day more than required was flowing to New Jersey. The variation from the USGS finding is about 1 percent.

During years of drought between 1991 through 2002, the United States Geological Survey's Hackensack River West Nyack monitoring station recorded an average flow of approximately 13.72 million gallons per day during the peak demand months from June through November. As a result, the average flow to New Jersey exceeded the amount permitted by the DEC by 5.97 million gallons per day.

Even during times of County of Rockland mandatory water use restrictions from 1991 through 2002, in the peak demand months from June through November, the excess flow from Lake DeForest to New Jersey averaged 3.5 million gallons per day.

United Water has largely complied with the Lake DeForest operating permit since being fined by the DEC in 2007. In that period, I increased my monitoring of

flows at the USGS West Nyack monitoring station. Scrutiny of those flows by the Rockland County Department of Health and NYS DEC also increased.

In the summer of 2010 Rockland County experienced below average rainfall, record heat and record demand for water. The USGS West Nyack monitoring station showed that the excess flow of the Hackensack River was only 1.22 million gallons per day. Despite drought-like conditions, Lake DeForest only dropped to approximately 75 percent of capacity and Rockland County residents did not endure water restrictions. However, Hackensack River reservoirs in New Jersey fell to approximately 48 percent of their capacity and New Jersey residents were put on water restrictions.

The NYS PSC has ordered United Water to develop additional water supplies for Rockland County. In response, United Water is now proposing to construct on the Hudson River in the vicinity of the Indian Point nuclear power plant, a desalination plant known as the "Haverstraw Water Supply Project." United water is promoting that as "the best alternative to meet Rockland's water needs."

The long history of excess discharges from Lake DeForest prior to 2008 in violation of United Water's Lake DeForest discharge permit deceived the Public Service Commission into erroneously concluding that Rockland County's water resources are less abundant than they actually are.

In fact, the PSC and the parties to the Joint Proposal did not consider how much of Rockland's water was being exported to New Jersey in excess of United Water's Lake DeForest operating permit. Even as the Public Service Commission was considering the need for additional water supply, United Water was releasing additional water to New Jersey. From September 2003 through December 2006, at times when Lake DeForest was below 100 percent of capacity, United Water was releasing an additional 6.26 million gallons per day of Rockland's water to New Jersey. In December 2006 the PSC ordered United Water to develop additional water supply for Rockland.

If Rockland County needs more water, it should come from Lake DeForest and not from a controversial Hudson River desalination plant which will cost the citizens of Rockland County hundreds of millions of dollars.

Additional production from Lake DeForest when water is abundant would allow for water production from the bedrock aquifer wells scattered throughout the county, to be reduced or totally rested when not needed. This would shorten the recharge intervals of the bedrock aquifer wells and assure their availability during periods of peak demand.

United Water's Lake DeForest water treatment plant has a capacity of 20 million gallons per day. However, the New York State Department of Health (NYSDOH) currently limits production to an average of 10 million gallons per day. The best alternative to meet Rockland's water needs is to modify this NYSDOH production limit and to operate Lake DeForest as it was originally intended, "solely for the benefit of the citizens of Rockland County."

New York State Public Service Commission
United Water Rate cases 06-W-0131 & 06-W-0244

On December 14, 2006, a New York State Public Service Commission (PSC) Order adopted a three-year rate plan for United Water New York. “The Joint Proposal”, an agreement that was signed and adopted as part of the order, requires United Water to, among other things, develop an additional, sustainable water supply to meet the growing needs for water in Rockland County over the next 20 years.

The parties to the Joint Proposal are: United Water New York, PSC Staff, the Town of Ramapo, the County of Rockland, the Rockland County Fire Chiefs, former Rockland County Legislator and now New York State Assembly Member Ellen Jaffee, and others. (See: The Joint Proposal Page 3)

The following was not considered by the PSC and therefore the Joint Proposal should be rescinded and New York State Public Service Commission rate cases 06-W-0131 & 06-W-0244 must be reopened.

Additionally, the following topics were either not addressed or inadequately addressed in the DEIS.

1. **Excess flow of the Hackensack River to New Jersey** (As explained above)
2. **Rockland County Water-Resource Assessment**
3. **Lake Tappan Decision of 7-22-1965**
4. **Conservation**
5. **The Economic Cost of Hudson River Desalination**

2. Rockland County Water-Resource Assessment

The New York State Public Service Commission (NYSPSC) and the parties to the Joint Proposal did not have the results of the recently completed United States Geological Survey Rockland County Water-Resource Assessment before entering into the “Joint Proposal” agreement. The assessment indicates that Rockland’s ground water resources are more abundant than thought in 2006 and that the year-to-year recharge rate of Rockland’s aquifer is sufficient to replenish United Water’s wells and other wells that are drawn down during peak demand months. Review of pumpage and water-level data from the bedrock aquifer back to 1989 suggests that there has not been a continuous downward trend in groundwater levels across the aquifer.

Additionally, the Rockland County Water-Resource Assessment offers a wide range of alternatives, from conservation to advanced waste water treatment, as potential ways to augment Rockland’s water supply.

I am submitting the entire Rockland County Water-Resource Assessment for review as part of these comments.

The summary available at:
<http://ny.water.usgs.gov/projects/rockland/>

The detailed report is available at:
Water Resources of Rockland County
http://pubs.usgs.gov/sir/2010/5245/pdf/sir2010-5245_heisig_508_03012011.pdf

3. Lake Tappan Decision of 7-22-1965

The PSC and the parties to the Joint Proposal did not consider the possibility of additional water supply from Lake Tappan.

On 7-22-1965 the New York State Department of Conservation (NYSDEC) ruled that "In granting its approval of the instant application the Water Resources Commission in no way relinquishes its right to consider any future application which may come before it for the taking of a supply of water from the Hackensack River in New York State whether from the River Vale Reservoir (Lake Tappan) or otherwise." (See: Lake Tappan Decision of 7-22-1965 CONDITIONS Pages 5 and 6)

George H. Buck, P.E., President, Hackensack Water Company, testified that the safe yield of the Hackensack River would be increased by 10 million gallons per day from 67 million gallons per day to 77 million gallons per day; that it would be possible to bring Lake Tappan's water back to Lake DeForest and that it was the water company's intention to put a pumping station somewhere at the head of the reservoir and pump water up to Lake DeForest. (See: Lake Tappan Hearing of 5-19-1965 Pages 29,33,40)

George O'Keefe, Public Health Engineer, testified for the New York State Department of Health that a portion of Lake Tappan's yield should be allocated to the use of Rockland County. (See: Lake Tappan Hearing of 5-19-1965 Pages 49-50)

Arthur J. Prindle, Esq., Town Attorney for the Town of Orangetown argued during his cross-examination of George H. Buck that Rockland County should receive an additional allocation from the Hackensack River of 5 million gallons per day, half of the expected 10 million gallons per day increase in yield expected to be created by Lake Tappan. (See: Lake Tappan Hearing of 5-19-1965 Pages 41 through 45)

Lake Tappan with its entire watershed located in Rockland County and flooding into Rockland County as far upstream as the Village of Nyack's water treatment plant north of Route 59 in West Nyack, near the Palisades Center Mall, has increased the yield of the Hackensack River by approximately 19 million gallons per day in the peak demand months of June through October. Together Lake

DeForest and Lake Tappan have increased the yield of the Hackensack River by approximately 27 million gallons per day in the peak demand months of June through October. (See: Increase in yield of Hackensack River)

4. Conservation

There is no conservation management policy in place for Rockland County or any of its Towns and Villages. A comprehensive conservation policy should include target usage levels, incentive programs to reduce water usage, policy on water usage to minimize peak demand during the summer months to account for increased outdoor water use and investment in local green infrastructure. Rockland County's summertime increase in water use of approximately 6.31 (1) million gallons per day accounts for nearly 18% (1) of annual water use. Conservation and water management policies should be implemented prior to providing new-engineered water supplies.

Rockland County residential water usage is currently approximately 75 (1) gallons per day per capita compared to an Environmental Protection Agency recommended community level of 45 gallons per day per capita for communities with an adequate conservation management program. Increasing efficiency in water use should be the primary vision for water supply in Rockland County.

Leaking infrastructure in Rockland County results in losses of approximately 6.7 million gallons per day, which is 16% (1) of water entering the system. Aging and leaking infrastructure is inefficient and costly in terms of water production and energy use. This infrastructure should be modernized prior to implementing new works.

5. The Economic Cost of Hudson River Desalination

The PSC and the parties to the Joint Proposal did not consider the economic cost of Hudson River desalination

The Escalating Construction Cost of the proposed Haverstraw Water Supply Project

On 1-15-2007 United Water filed with the NYSPSC a description for a long-term major water supply project for Rockland County now known as the Haverstraw Water Supply Project. The estimated cost of the project was \$98 million. (See: United Water New York Long Term Water Supply Project 1-15-2007 Pg. 8)

¹ USGS Water Resources of Rockland County Pages 105 to 111

On 1-12-2010 the Clarkstown Town Board hosted a town board workshop on United Water's proposal to desalinate and treat water from the Hudson River for Rockland's drinking water. When asked how much the project would cost when completed? Michael J. Pointing, United Water New York Vice-President and General Manger responded, \$116.5 million.

On 3-8-2010 in testimony submitted to the NYPSC Michael J. Pointing stated, "The Haverstraw Water Supply Project is currently estimated to cost approximately \$140 million when completed." (See: Michael Pointing PSC Testimony 3-8-2010 Page 36 Line 23 through Page 37 Line 2)

The Project is now expected to cost between approximately \$139.2 million and \$189.3 million at completion. (See: Haverstraw Water Supply Project DEIS Executive Summary Page S-10, PHASING AND PROJECT COST)

The Cost to Rockland Residents

The Haverstraw Water Supply Project is currently estimated to cost approximately \$139.2 to \$189.3 million when completed (Haverstraw Water Supply Project DEIS chapter 2)

From testimony to the New York State Public Service Commission on 3-8-2010 by Michael J. Pointing, United Water New York Vice-President and General Manger.

"The Haverstraw Water Supply Project is currently estimated to cost approximately \$140 million when completed." "This is significant and should be considered in relation to the overall customer cost upon completion of the facility which could easily approach \$270 to \$300 per customer per year. The equivalent of a phase-in through incremental surcharges will lessen the rate shock that would otherwise exist." (See: Michael Pointing PSC Testimony 3-8-2010 Page 36 Line 23 through Page 38 Line 2)

United Water's proposed Hudson River Desalination Plant will cost United Water's 70,000 Rockland customers an additional \$19 million to \$21 million per year according to Mr. Pointing's estimates.

In October 2009 United Water produced a PowerPoint presentation regarding the proposed Hudson River Desalination Plant. In that presentation the annual revenue requirement was estimated to be \$25.1 million. (See: United Water PowerPoint: Orlando, Florida 10-13-2009 slide 8)

The actual additional cost could be at least \$34 million per year or \$485 per customer per year. (See: Annual Cost To Customers Of Hudson River Desalination)

The North Rockland “Ratable” Myth

In its Haverstraw Water Supply Project Draft Environmental Impact Statement United Water argues, “The Proposed Project is expected to generate a substantial increase in property tax revenues (primarily to the North Rockland community) from the improvement of the Project Sites.” and that “As a result, the Proposed Project is expected to have a net positive effect on the local and regional economies of Rockland County and New York State.”

Estimated annual real estate tax revenues to the North Rockland community are:
\$2,950,000 upon completion of its first phase, in 2016,
\$3,990,000 at the conclusion of its second phase, in 2021, and
\$6,340,000 in year 2030, when the Proposed Project is fully built out.
(See: Haverstraw Water Supply Project DEIS Executive Summary Pg. S13 S.4.4.)

The Haverstraw Water Supply Project Draft Environmental Impact Statement does not mention the higher water rates, which will be paid by North Rockland residents as a result of this project.

However, United Water expects that water rate increases could easily approach \$270 to \$300 per customer per year. As noted above the cost estimates for this project have increased rapidly. The actual additional cost could be at least \$485 per customer per year.

The Haverstraw Water Supply Project will have an adverse effect on the North Rockland economy. Approximately 12,000 of United Water’s 70,000 Rockland customers reside in the North Rockland area.

Estimated increase in the annual cost of water to the North Rockland community:

At \$270 per customer per year	\$3,240,000
At \$300 per customer per year	\$3,600,000
At \$385 per customer per year	\$4,620,000
At \$485 per customer per year	\$5,820,000

The North Rockland community will only profit from The Haverstraw Water Supply Project if real estate tax revenues exceed the increase in the cost of water to North Rockland customers.

Based on current estimates the aggregate tax revenue will exceed the aggregate increase in the cost of water to North Rockland customers in the year:

2022	at an increased cost for water of \$270 per customer per year
2029	at an increased cost for water of \$300 per customer per year
2038	at an increased cost for water of \$385 per customer per year
2089	at an increased cost for water of \$485 per customer per year

(See: North Rockland Real Estate Tax Revenue Compared To Cost and Annual Cost To Customers Of Hudson River Desalination)

Additional comments on economic implications are attached.

See: ECONorthwest Review of Haverstraw DEIS Cost Information

Adverse Impacts

Flooding Caused By Cross-Basin Export

Augmentations of United Water's distribution system from the Haverstraw Water Supply Project will allow United Water to reduce production from its existing sources of water supply. This will result in additional flows of the Hackensack River, Saddle River, Mahwah River and Ramapo River basins and will result in additional flooding in New York and New Jersey.

Rockland County routinely experiences severe flooding. (See: History of Hackensack River Flooding West Nyack, NY)

United Water intends to operate the Haverstraw Water Supply Project continuously and at full capacity adding up to 7.5 million gallons per day to United Water's Rockland County distribution system thus allowing United Water to reduce production from existing treatment plants. (See: DEIS Chapter 2.5.5. WATER SUPPLY SYSTEM MANAGEMENT pages 36 & 37 and Figure 2-16 / UNITED WATER Haverstraw Water Supply Project Illustrative Monthly Average Day Supply without and with the Proposed Project)

Even during wet years, such as 2011 when Rockland County received over 75-inches of rainfall, the plant would operate continuously and at full capacity.

Adding 7.5 million gallons per day to any ecosystem with a fully charged aquifer and reservoirs that are spilling into wetlands, rivers and streams that are already filled to capacity can have no other result except to cause additional flooding.

Development that could not otherwise be supported by the resources available will occur. Water from the Hudson River will be imported into the Hackensack River, Saddle River, Mahwah River and Ramapo River basins to supply these new customers. This cross-basin export could bring up to 7.5 million additional gallons per day into these basins.

New construction will destroy watershed and create additional impervious surface causing additional flooding.

Developers are already referring to the availability of the additional water supply from the Haverstraw Water Supply Project in their project Draft Environmental Impact Statements.

Transporting Water Out Of New York State By Artificial Means

Using pipelines and artificial canals to transport water out of New York State is a violation of state law. The desalination plant will, by artificial means, divert Hudson River water into the United Water pipeline system and result in additional flows in the Hackensack River, Saddle River, Mahwah River and Ramapo River basins, which flow to New Jersey.

Adding up to 7.5 million gallons per day to United Water's Rockland County distribution system will result in additional flows in the Hackensack River and Ramapo River basins in proportion to the decreased demands on the Lake DeForest and Ramapo Well Field water treatment plants.

Augmentations from the Haverstraw Water Supply Project will allow United Water to reduce production from the existing treatment plants. Reduced demand on the Lake DeForest reservoir will cause the lake to be at higher levels and spill over more frequently and divert more of Rockland's water downriver to New Jersey.

Legal Liability

As Builders, Developers, Sponsors, Regulators or Approvers of this proposed project; United Water, NYS PSC, NYS DEC, Town of Haverstraw, County of Rockland and others will be exposed to legal liability because of the adverse impacts of this project, including but not limited to increased flooding.

See:

- NYS DEC Commissioner's Flood Summit held in Kingston, New York on October 16th, 2008 <http://www.dec.ny.gov/lands/51372.html>
- Ed Thomas, **No Adverse Impact Approach to Decreasing Risk and Liability**, [Slides 1-35](#) (PDF, 1.2 MB) and [Slides 36-80](#) (PDF, 993 KB)
- **No Adverse Impact Power Point Presentation** http://www.floods.org/NoAdverseImpact/NAI_PPT.ppt

Additional comments on Adverse Impacts are attached:

See:

[Rockland Water Coalition comments to the New York State Department of State](#)

Alternatives

Lake DeForest

If Rockland County needs more water, it should come from Lake DeForest and not from a controversial Hudson River desalination plant which will cost the citizens of Rockland County hundreds of millions of dollars.

Additional production from Lake DeForest when water is abundant would allow for water production from the bedrock aquifer wells scattered throughout the county, to be reduced or totally rested when not needed. This would shorten the recharge intervals of the bedrock aquifer wells and assure their availability during periods of peak demand.

United Water's Lake DeForest water treatment plant has a capacity of 20 million gallons per day. However, the New York State Department of Health (NYSDOH) currently limits production to an average of 10 million gallons per day. The best alternative to meet Rockland's water needs is to modify this NYSDOH production limit and to operate Lake DeForest as it was originally intended, "solely for the benefit of the citizens of Rockland County."

Lake Tappan

Lake Tappan with its entire watershed located in Rockland County and flooding into Rockland County as far upstream as the Village of Nyack's water treatment plant north of Route 59 in West Nyack, near the Palisades Center Mall, has increased the yield of the Hackensack River by approximately 19 million gallons per day in the peak demand months of June through October. Together Lake DeForest and Lake Tappan have increased the yield of the Hackensack River by approximately 27 million gallons per day in the peak demand months of June through October. (See: Increase in yield of Hackensack River)

Rockland should receive an allocation of the increased yield of the Hackensack River from Lake Tappan or a reduction in the amount of water sent to New Jersey from Lake DeForest.

Additional comments on Alternatives are attached:

See:

- Mid-Hudson Geosciences and HydroQuest review of DEIS
- Comments of William J. Stein, P. E., Consulting Engineer

**Supporting Documents Referenced
Attached and linked by Google Docs:**

Excess flow of the Hackensack River to New Jersey 1959 – 2010 (Excel)

Excess flow of the Hackensack River to New Jersey 1959 – 2010 (PDF)

Lake DeForest Decision of 7-23-1952

Dr. Daniel M. Miller PSC Testimony 4-30-2010

New York State Public Service Commission (PSC) Order

The Joint Proposal

Lake Tappan Decision of 7-22-1965

Lake Tappan Hearing of 5-19-1965

Lake Tappan flooding into Rockland County

Increase in yield of Hackensack River

United Water New York Long Term Water Supply Project 1-15-2007

Michael Pointing PSC Testimony 3-8-2010

United Water PowerPoint; Orlando, Florida 10-13-2009

Annual Cost To Customers Of Hudson River Desalination

North Rockland Real Estate Tax Revenue Compared To Cost

ECONorthwest Review of Haverstraw DEIS Cost Information

History of Hackensack River Flooding West Nyack, NY

Rockland Water Coalition comments to the New York State Department of State

Mid-Hudson Geosciences and HydroQuest review of DEIS

Comments of William J. Stein, P. E., Consulting Engineer

Supporting Documents Referenced Internet Links:

[Rockland County Water-Resource Assessment
Summary available at:
http://ny.water.usgs.gov/projects/rockland/](http://ny.water.usgs.gov/projects/rockland/)

[Rockland County Water-Resource Assessment detailed report is available at:
Water Resources of Rockland County
http://pubs.usgs.gov/sir/2010/5245/pdf/sir2010-5245_heisig_508_03012011.pdf](http://pubs.usgs.gov/sir/2010/5245/pdf/sir2010-5245_heisig_508_03012011.pdf)

[Lake Tappan watershed located in Rockland County
http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=117710290461738968800.00043b65a8fb426b57ff8&ll=41.102857,-73.966135&spn=0.006547,0.001212&t=h&om=1&source=embed](http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=117710290461738968800.00043b65a8fb426b57ff8&ll=41.102857,-73.966135&spn=0.006547,0.001212&t=h&om=1&source=embed)

[Haverstraw Water Supply Project DEIS Executive Summary
http://haverstrawwatersupplyproject.com/images/stories/deis%202012/DEIS/DEIS_00_Executive_Summary.pdf](http://haverstrawwatersupplyproject.com/images/stories/deis%202012/DEIS/DEIS_00_Executive_Summary.pdf)

[NYS DEC Commissioner's Flood Summit held in Kingston, New York on October 16th, 2008 http://www.dec.ny.gov/lands/51372.html](http://www.dec.ny.gov/lands/51372.html)

[Ed Thomas, No Adverse Impact Approach to Decreasing Risk and Liability, Slides 1-35 \(PDF, 1.2 MB\) and Slides 36-80 \(PDF, 993 KB\)](#)

[Ed Thomas, No Adverse Impact Power Point Presentation
http://www.floods.org/NoAdverseImpact/NAI_PPT.ppt](http://www.floods.org/NoAdverseImpact/NAI_PPT.ppt)