

Welcome

6:32 Start

Dan Miller, Chair

June 2022 Meeting summary

Dan Miller reporting

- No minutes because it was an in-person meeting
- We welcomed Hector Vasquez as a new member
- We met at the Wet Lab at Pier 40
- Village community Boat house hosted us with a little reception
- Reviewed the Safety letter for HRPT
- 13 advisory council members reviewed the HRPT report in advance
- Have you had a chance to read the report?
- Taking a lane from battery park to 59th Street
- Study of e-bike Lane – Mark Levine is requesting that we look at E-bike lane
- JLF: We sent a letter calling for this back in May of 2020
- Robert Atterbury asked if it was OK, and started recording the meeting at 6:35pm

HRPT Summer Programming and Construction Report

Noreen reporting for HRPT

- <https://hudsonriverpark.org/app/uploads/2022/09/2022.9.13-HRPT-AC-Report.pdf>
- Pier 84 Dog Run – Debut
- Chelsea Waterside – Reconstruction, going well, comfort station is new feature, building is a portal into the new athletic field, solar roof panels
- Dog Run; supply chain issues should be solved by end of September
- Theme: repurposed stones
- Pier 97: Going well. All ages slide! Sunset Deck.
- Gansevoort: 20 million juvenile oysters, Kayak ramp on the south side is expected to be done in the fall. Western side promenade is looking good.
- Location for interim Pickleball courts have been identified – an area in our composting yard where we have space for up to 4 courts. Interim use, because the section is unimproved, we can do this while we wait; The goal would be to have pickleball courts in use by next summer
- Tennis courts will close for cleaning on September 19th
- Google Crosswalk work began in August and will continue for another couple of months.
- We are expecting to award the contract for the science play area at September board meeting.
- We have advanced the design process for the Estuarium this month or for the next meeting (27 proposals) We expect much public input into the design process.
- Events: Very successful summer of programming. Attendance was high.
- Graffiti and Vandalism we spent 300 hours removing graffiti from the park this summer
- Difficult summer trying to keep the park clean and looking good.
- Survey of park users – Push this fall, post Labor Day. It is visible in the park. We ask people to share it. Anyone who uses the park.

Citibike Infill relocation (temporary) to Morton Street

- On hold
- Robert A. says they are trying to figure out how to do it with the least amount of disruption
- Are they getting their
- Looking at ways to open it up without more

Pier 98 Lease Issue (75 minutes)

CB4 meeting summary

Jeffrey LeFrancois reporting

- Waterfront Parks had their regular meeting and Pier 98 Lease issue came up after NY Times story
- Environmental issues
- Co-chairs said it was a robust conversation
- Threat of litigation
- Invited Con Ed and DEC to have a
- A call for continued transparency from the 3 agencies involved DEC (state entity), Con Ed, and HRPT
- There were many community members in attendance (Boat Houses, parents)
- There were major concerns, but as more and more data has been shared there is still cause for concern, but we saw it as a really good starting point for a conversation
- The committee was made aware that this meeting was going t
- Letter was written requesting that the 3 agencies come back to CB4
- DEC has made a determination on the permit

Con Ed/DEC summary

Venetia Lannon & Frank Cuomo testifying

- VL Vice President Health & Safety
- Frank General Manager in Steam
- Received notice letter from Tom Fox/City Club announcing intention to sue the 3 agencies
- We are here to refute the allegations and to allay any concerns
- Venetia Lannon offered Key takeaways
 - The allegation that Con Ed puts contaminated water into the Hudson at levels is false
 - We have a valid permit and we operate in accordance with the permit
 - We self-identify through the EPAs reporting system
 - DEC considers the discrepancies to be minor
 - For DEC to say that publicly is significant
 - The DEC has required us to do additional water sampling
 - That sampling shows that the discharge meets NYS water safety standards for swimming and kayaking
- Water discharge temps 78 degrees Fahrenheit, levels in line with our permit
- Pier 98 supports water dependent uses
- Supports two facilities – 59th and 49th street Steam stations that service Manhattan buildings and also produces electricity that is really critical during times of peak demand this plant provides back up.
- Provides electricity to 80,000 customers, tunnels, St. Luke’s Hospital, most important infrastructure in Manhattan
- Con Ed has operated Pier98 since 1959
- \$1.3 million rent to HRPT
- City’s waterfront plan – Specifically designates this area a Priority Marine Activity Zone as well as a Marine Sanctuary
- SUNY Albany has a temperature gauge on the pier to measure the temp of the Hudson as it undergoes climate change

Frank Cuomo, General Manager Steam Operations at Con Ed

- Main overview of Hudson River outfalls
- Substation cooling equipment serving 49th Street substation is separate from the 59th Street station
- The cooling system is set up to cool critical electric feeders (operates 118 days per year, typically, May – Oct.)
- Detailed/Simplified explanation of the Heat exchange loop
- The 3 loops work together to transfer heat to the river
- All of the heat exchange happens on Pier 98

- River water comes into contact with very little equipment before it is discharged back into the water
- Before it is put back into the river the water is filtered
- This process is monitored
- Drains and trenches and overflows are routed through a filtration process
- Monthly reporting
- Venetia will review major assertions made by the threatened lawsuit (notice letter)
- No Valid Permit?
- Con Ed operates under a valid DEC permit
- Con Ed applied for a permit modification
- Full technical review takes time, but the permit has been extended while the request for modification is reviewed
- Since 2010, of the 4400 sampling records, there have been 27 reported exceedances (all minor and quickly resolved)
- There was only one significant event related to PH (48 seconds before it was corrected)
- 2 significant events related to Total Suspended Solids (TSS)
- Con Ed operates in compliance with permitted effluence standards
- We do not return contaminated water to the river
- Some metals were detected but at such low levels that they would meet standards for swimming, fishing, and in some cases NY State drinking water standards
- Copper was the one parameter that would not meet State standards (outfall 3)
- DEC was scratching their heads (unable to find the source) as to where the copper is coming from because it is not part of Con Ed's process
- Con Ed does not return water to the river at dangerously high temperatures
- Over the past 5 years the average has been 78 degrees Fahrenheit from outfall 3 (which is in compliance with our DEC permit)
- 99.8 percent of the time temps have been under 90 degrees Fahrenheit
- We have never exceeded that 104-degree threshold
- We are pretty comfortable with where the temperatures are

Dan Miller unmuted Tom Fox for his presentation

Tom Fox/City Club

- Tom Fox offered his bio and a chronology
 - Park professional for 40 years
 - Early advocate and champion for the park
- Ms. Lannon was the regional director for EDC
- Ms. Lannon now works for a company that she used to regulate
- Ms. Lannon worked for Madelyn Wills
- Con Ed does not have a valid permit, despite their statement to the contrary
- Even if there was an existing permit, they are operating outside of the permit, because they have made modifications to the way they operate, but DEC has not enforced anything
- Even minor discrepancies are a violation of the Clean Water Act
- DEC is not taking its enforcement role seriously
- SPECS permit had 7 violations in the past year, but there is no notice of violations being issued/no notice of enforcement
- Con Ed did not provide the whole story
- Con Ed is misleading the public and DEC is allowing them to do it
- Selenium, Lead, Chloroform
- Con Ed has a dedicated control room, but there are failures to report
- Failures to report may mask deficiencies

- Con Ed can claim they not putting *contaminated* water back into the river, but they are putting *polluted* water into the river
- State water quality standards are not the benchmark.
- The standards placed in the permit are the benchmark
- There are toxic pollutants being discharged and listed
- There have been 3 modifications of the Con Ed plant, but no public notice and no modification of the permit
- What studies were done to assess impact?
- Will there be a public review before the issuance of a new/modified permit?
- Recommendation for Con Ed: All the discharge should go into the NYC sewer system
- Why has the permit renewal taking so long? It was submitted in 2016
- Why have there been no enforcement actions in the past decade?
- Recommendation for DEC: Use best available technology solutions (cooling tower, for example)
- Question: Why wasn't the public been told about discharge issues?
- Why were those activities even included in the lease, when it goes against the mission of the Trust?
- Why wasn't Pier 98's water cooling and discharge operation not in the ESMP?
- Suggestion: Transparency
- Recommendation: The trust should disseminate public notices about issues such as this, just as they do with programming
- Opinion: The advisory committee is treated like an obstacle.
- We have technical and legal responses to Con Ed's rebuttals/statements
- 60-day notice of intent was sent on August 10th. No formal direct response, yet.
- It would behoove all of us to sit down to deal with the technical and legal issues with a goal to resolve the situation without litigation.

7:53 PM

Noreen Doyle

- One of the things I am most proud of is my ability to engage with communities
- It is something we take very seriously
- Sometimes people would like us to say more
- Sometimes people disagree with our decisions, we understand
- It is important that the trust be a place where community conversation are taken seriously
- We are ready to talk about issues large and small
- There are issues (uses) that pre-date us, and things that are not necessarily in line with the mission of the trust
- The Con Ed use is one of those uses
- DEC is our regulator and collaborator
- We are confident that if DEC had a concern, they would inform us, which they haven't.

Nicole Cuttino, HRPT General Council

- There was a public notice for the Con Ed lease
- The public notice complied with all regulations for public notice and public comment
- The lease was posted on HRPT's website
- The public hearing was April 13th, 2011, on Holland House on West 42nd Street
- Hearing started at 4pm – ended at 7pm
- We do have a transcript
- Record shows that all of the Trust staff remained available for that entire period
- March 2nd, 2011, to May 13th 2011 and the Trust did not receive any written comments
- Question has been asked about the public notice
- The purpose of the public notice is to inform. It is an advertisement, not detailed. It is brief, and it is not possible to include all of the uses, or all of the possible uses
- Reading the public notice is not a substitute for reading the lease

- We posted the lease and other detailed information

Robert Atterbury, VP HRPT

- ESMP
- River Project staff is deeply caring
- The ESMP focuses on CSOs (drains into the river)
- I don't want folks to stretch the ESMP into things that it is not
- The ESMP is an action plan
- It is not a catalog of every possible risk
- There are other discharges that are not listed in there
- But the ESMP is a living document
- We are active about sharing our scientific information
- We will continue to work with our Technical Advisory Committee to address these complicated issues

8:02 PM

- Dan Miller opens the floor to HRPAC members to ask questions
- Graeme Burchill comments:
 - We used to run the kayak program at pier 96 and we were never told anything
 - There was no interaction from the 3 agencies and no information shared
 - This is problematic because we are trying to establish trust with the public
 - Even if there were no danger...
 - Design for trust
 - Con Ed manages the outfall but not the intake, Recommendation: measure the intake
 - There are no measurements from cruise ships
 - What Con Ed is noticing might come from cruise ships
 - Slack tides mean Con Ed could just be taking in water and putting it right back out
 - Cooling electrical wires is good for the environment
 - Perhaps Con Ed should publish some data
 - This is not really the Con Ed's problem
 - It is the job of the trust and DEC to make the data public
 - You could have engaged us 7 years ago and this could have been avoided
 - Which government entity is supposed to assure the public about the safety of this?
 - Robert Atterbury: DEC is the regulatory body
 - Graeme: Who explains these things to the public?
 - DEC is not here to comment/reply

Susan A.

- Can we have access to the slides? Answer Dan Miller: Yes.
- I have to leave...unless there is an important vote

Mary H.

- Concert on deck tonight (The Lilac)
- With the suspended solids being deposited for decades, has that contributed to making the water shallow around Pier 97. Have the solids caused any issues on the depth?
- Noreen replied but had no specific information on the topic.
- Noreen notes that there are many places in the river that are shallow.

JLF

- Water tests separate from the water that is coming out of Pier 98
- What is the volume at other testing points?
- We don't have any comparison data
- CSOs have come up a lot, when it rains sewage gets into the river regularly

Hector Vasquez

- How old is the technology that Con Ed uses?
- Are there plans to upgrade tech?

- Why not partner with companies to improve the situation?
- Frank Cuomo: Why have we not gone to a dedicated cooling tower system? The amount of cooling that is required for those cables is quite significant, but you need a significant amount of space, the tower would be quite large, and efficiency would be reduced (air/water versus water/water)
- What we are doing now is working well and is efficient for the critical need that it serves
- Would like to hear more about Con Ed seeking out ways to improve
- Suggestion: nuclear power plants use towers
- Frank Cuomo: A cooling tower would be a sizeable endeavor

8:20 PM

Rob Pirani

- Thank you to Con Ed for shining light on this issue
- I am a member of the Technical Advisory Council (TAC). We were not told about the situation.
- As a member of the TAC I feel some kind of way because I didn't bring it up
- We all depend on Con Ed for electricity, and we benefit from maritime uses, and that is part of the bargain.
- It's important to understand what is happening in context
- Express concern but temper it.
- This is something that demands more investigation and context
- Q for Con Ed: What's the volume of the discharge?
- Frank Cuomo: Millions of gallons
- Dan Miller: NYT article mentions 4 million gallons, Tom?
- Tom Fox: FOIA requests 2.3 million gallons of saltwater 1.2 million gallons of freshwater from steam facilities
- Frank Cuomo confirms numbers

Rob Buchanan

- Q for Con Ed: Hoping we can get an answer about directing water to sewage treatment plant
- Val answers: DEP does not want clean water in the sewage systems because it would exacerbate combined water overflow
- Since 2010 we have had no violation for oil or grease
- Tom Fox: Spoke to their 2nd in command and he said it was possible. As if 11am, this morning.

George Jackman

- Member of TAC, was never told about hot water discharge
- Estuary is the 2nd largest on the East coast
- Hot water discharge is bad for fish physiology and behavior
- The average temp of the Hudson is increasing
- Fish Migration is affected

Mary H.

- Can discharge events be noted on the trust's website?
- Robert Atterbury, they are not now, but will explore possibility

Tom Fox

- There is a high level of coordination between the agencies
- DEP has not given formal approval for the changes to the plant's operation
- Frank Cuomo: Approvals are due in 2023
- Frank Cuomo: A lot of these enhancements have been discussed as part of the rate case, and it is part of the public record
- We are not allowed to make significant investments without that public process (rate case)

John Eisenhauer

- Provides regulatory guidance to City Club

- Con Ed says discharges only occurred in summer months. However, in February, and June there were reported discharges. Can you clarify?
- Frank Cuomo: Probably related to system testing.

Dan Miller

- Wrapping it up
- Follow up will happen at the October meeting
- Suggest we write a letter to make our elected officials know we still have questions
- Anyone disagree?
- Motion to write a letter passes at 8:43PM

Committee Reports

- Chair asked for committee updates
- EDI will meet before October. Will touch base with Robert A. and Dan Miller to set agenda
- Historic has nothing to report open to new tasks. Done with Gansevoort and moving onto pier 97.
- Safety has nothing to report

Tabling the following because we ran out of time:

- West Street fast moving cycles and eBike delivery lane viability study (5 minutes)
- Pier 34 and Port Authority - strategy to provide public access (5 minutes)
- New/old business - committee reports, future projects (10 minutes)

Motion to adjourn was seconded and approved @ 8:46PM