



Response of Champlain Hudson Power Express to Questions Raised by Hudson River Drinking Water Intermunicipal Council

Introduction

The Champlain Hudson Power Express (CHPE or Permittee) project (the Project) has been part of New York state clean energy discussions for many years. The project is in possession of all major permits required to commence construction. These permits required numerous submissions examined through a comprehensive four-year regulatory process before they were granted. Environmental reviews were conducted by New York state and federal agencies, including the New York Department of Environmental Conservation (NYDEC), the New York Public Service Commission (NYPSC), the U.S. Army Corp of Engineers (Army Corps), the U.S. Department of Energy (USDOE), the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS) and Hudson River stewards such as Riverkeeper and Scenic Hudson. CHPE's permits confirm that the project design and route are acceptable, the project is beneficial to the public and that environmental concerns have been assessed, addressed and mitigated as necessary.

The regulatory record demonstrates that protection of public drinking water systems was mandated and thoroughly considered during the regulatory review, as evidenced by protective measures provided in the NYPSC Article VII Certificate conditions. Public water system (PWS) impacts were an important consideration influencing installation methods, including establishing current Hudson River conditions, soliciting PWS operators' input, hiring water quality experts and establishing consensus testing methodologies. The Permittee conducted a survey of 12 water operators along the entire route, including from seven systems that draw water from the Hudson River.

Recently, the Hudson River Drinking Water Intermunicipal Council ("Hudson 7") requested additional information on the Project. The following represents a summary of the questions raised by the Hudson 7 and our responses.

Review of the Project by the New York State Department of Health

The Hudson 7 requested copies of correspondences between the New York State Department of Health (NYSDOH) and the CHPE project. Communications with the NYSDOH occurred as part of settlement negotiations in the Article VII certification proceeding. According to the NYPSC's regulations, such communications are confidential among settlement parties, and CHPE is not permitted to provide copies of communications or other documents developed under the settlement process. However, CHPE has been and will continue to consult with state and county health officials as the Project grows closer to construction.



Rerouting of the Project

The Hudson 7 offered suggestions on reroutes which would take the Project out of the Hudson River in certain areas. There was an exhaustive review of Project routing, with a specific focus on installing the cables out of the water to the extent practical and feasible during the permitting process, at the state and federal level. This analysis considered a route along the western side of the Hudson River as well as multiple entirely overland routes. The parties to the Joint Proposal of Settlement, which included state agencies and NGOs such as Riverkeeper and Scenic Hudson, agreed that “there were no feasible alternatives to locating the HVDC Transmission System in the Hudson River between Cementon and Haverstraw Bay.” At the federal level, the Army Corps determined that the route as permitted represented the Least Environmentally Damaging Practical Alternative (LEDPA).

Location of Routing to Intake Pipes

The Hudson 7 has expressed concern about the location of the transmission cables relative to certain intake pipes. We have committed to consulting directly with the Public Water System (PWS) regarding the location of their intake and the specific route in this area. We are confident that there will be no impacts to these intakes.

Pre-installation Trials

The Hudson 7 has requested that the required pre-installation trials for the jet-plow technology occur within their area of interest. The Permittee is open to this suggestion, subject to approval by the NYPSC in consultation with the NYDEC. The jet-plow trial will be in a limited area, and we will be monitoring for total suspended solids (TSS) and turbidity.

Jet-Plow Technology

The Hudson 7 has requested additional information related to the jet-plow technology. It is important to note that a jet plow is very different from a dredging operation, such as is occurring at the Central Hudson MGP Remediation project. The jet-plow equipment is fitted with hydraulic pressure nozzles located down the length of “swords” that are inserted into the sediment on either side of the cable and which create a direct downward and backward “swept flow” force inside the trench, so that there is a down and back flow of resuspended sediments within the trench.

Previous studies have found that approximately 70 to 80 percent of the disturbed sediment would be expected to remain within the limits of the trench under limited water movement conditions (depending on particle size). This embedment method for underwater cable installations is considered to be the most effective and least environmentally impactful by state and federal agencies and has been approved as part of our permits. In comparison, a dredging operation excavates the sediment forcibly to a waiting barge or landfall site. The sediment is resuspended in an upward direction, resulting in greater dispersal than would be expected for a jet-plow



trench operation.

Water Quality Sampling During Installation

The Hudson 7 has offered suggestions on additional water quality parameters that should be monitored during cable installation. We plan to consult with the PWS operators as well as county and state health officials to ascertain what parameters are currently tested and what additional monitoring may be appropriate.

The Hudson 7 has also raised concerns as to how operators would know that there is an issue. We intend to consult with the PWS operators to clarify current protocols. Given the high turbidity that can occur along the Hudson River, it will be instructive to draw upon their direct experience. We will also at this time discuss their existing contingency planning.

Next Steps

The Certificate Conditions approved by the NYPSC lay out a very detailed program that must be completed prior to the installation of the cables. In addition, consultation must be completed with PWS operators, pre-installation trials need to be performed and a report submitted, and detailed schedules for construction must be developed. This information will be incorporated into the Environmental Management and Construction Plan (“EM&CP”) for the Project, which will undergo NYPSC and public review prior to finalization. Based on current forecasting, the EM&CP associated with cable installation in the Hudson River will be submitted in 2022, and cable installation activities will not occur in the Hudson River until 2024 or 2025.

In the immediate future, the following steps will be taken:

- Briefing the Ulster County and Dutchess County Departments of Health.
- Updating consultation with the PWS operators with water intakes in the Hudson River to better understand current operations, monitoring of water quality and backup capabilities.
- Hiring of consultants with expertise in water quality monitoring to further develop formal plans for conducting certain monitoring activities prior to and during installation.
- Advancing the in-water route design, including finalizing the specific location of the cables in relation to the intakes.