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Saugerties gets ready for Lower Esopus Creek plan sessions



Tania Barricklo – Daily Freeman file,
The Lower Esopus Creek in the town of Ulster, N.Y., is shown on Friday, March 19,
2021. (Tania Barricklo/ Daily Freeman, file)

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SAUGERTIES, N.Y. — Fines levied against New York City officials for sending extremely muddy waters into the Lower Esopus Creek from the Ashokan Reservoir will be used to develop a creek management plan, an official said.

The Lower Esopus Creek Advisory Council, which is spearheaded by Ulster County, would be using some of the \$200,000 in fines for the development of a creek management plan and will then use another \$2 million in fines to implement it, environmental advocate Mary McNamara said during a Village Board meeting Monday.

McNamara, who is the Saugerties town Ashokan Release Working Group representative, said the Lower Esopus Creek Advisory Council will be conducting extensive public outreach for impacts that need to be addressed in the upcoming Lower Esopus Creek Management Plan. The outreach is scheduled to begin next month.

“We will be doing it through stakeholder meetings, through surveys, and other local events,” she said. “(There could be) tabletop meetings, there will also be walking along the creek meetings, and events where we are collecting data.”

McNamara said the call for stakeholder input has never been more important than it will be for developing a long-term stream plan.

“This will guide the implementation,” she said. “The public outreach will begin in earnest next month. Absolutely, private businesses are key ... and we want the public to feel empowered to participate in making this a meaningful plan.”

“The council consists of the seven municipalities along the Lower Esopus Creek corridor, the Ulster County Department of the Environment, county Planning Department, and the County Executive Office,” she said. “There will also be the Ashokan Release Working group, Cornell Cooperative Extension, and the (state) Department of Environmental Conservation.”

Absent from the group will be New York City Department of Environmental Protection representatives, who have dominated the Ashokan Release Working Group since its inception in 2010.

After several years of saying that muddy releases were not covered under a Filtration Avoidance Determination for the city water system, the city Department of Environmental Protection was fined \$2.6 million in March 2011 for failing to produce a plan for discharges from the Ashokan Reservoir. The filing outlined the importance of the creek in having New York City meet its requirement to avoid sending turbidity to Kensico Reservoir, which was being scrutinized because of the city's use of the chemical alum as a settling agent.

The notice came only three weeks after then-state Assistant Commissioner for Water Resources James Tierney acknowledged the state had allowed the city to make the releases as a "trade-off" because city officials "didn't want turbid water to flow ... into the Kensico Reservoir."

State officials in the notice stated that the Lower Esopus Creek discharges, which go into the Hudson River, had occurred between Oct. 9, 2010, and Feb. 1, 2011, in an "unprecedented manner and duration ... without obtaining the (state Department of Environment Conservation) prior approval and without providing the department with crucial information."

The state notice added that it is "illegal for any person to discharge pollutants to the waters of the state from any outlet or point source without a (state pollutant discharge elimination system) permit." It also noted that city officials missed a July 17, 2009, deadline for a plan to dump turbid water into the Lower Esopus Creek even though "crucial information (was) repeatedly requested concerning ... potential impacts to the Lower Esopus Creek, ramping rates, maximum releases and duration in violation" of environmental law.

The type of data gathering between the Ashokan Reservoir's outlet — which had its name changed to "release channel" in 2012 after Ulster County residents said "waste" sounded like a reference used for sewer systems— and the mouth of the Hudson River has long been considered a wide-ranging challenge.

Aside from causing past residential property damage along the entire creek, water initially flows from the town of Olive — where varying water rates cause interference with recreation uses— into Marbletown and then Hurley and the town of Ulster, causing flooding problems along nearly 10 miles of prime farmland. In Ulster, there has also been an erosions issue involving town sewer lines, while along the city of Kingston, there has been high water along the Kingston Plaza. The final stretch goes into Saugerties, where the Lower Esopus Creek has year-long fishing use, aesthetic value for Diamond Mills as a popular events venue, and environmental concerns involving waterfowl, raptors, migrating fish and other wildlife issues.

New York City officials in 2010 had said they were releasing up to 450 million gallons per day and later stated the amounts were 600 million gallons per day. As the months-long releases continued, then County Executive Michael Hein said the city was behaving like an “occupying nation” while watchdog group Riverkeeper described the Lower Esopus as “Yoo Hoo Creek” because it looked like the popular chocolate drink.

Tags: **Ashokan, Ashokan Reservoir, DEP, Lower Esopus Creek, New York City Department of Environmental Protection, Saugerties**



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