



November 30, 2016

Vincent Sapienza, P.E.
Acting Commissioner
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Sent via email
ltcp@dep.nyc.gov

RE: NYC DEP Flushing Bay CSO LTCP Pubic Meeting #2

Dear Commissioner Sapienza,

The Stormwater Infrastructure Matters (SWIM) Coalition submits this letter in response to the New York City Department of Environmental Protection's (DEP) invitation for public comments concerning the development of the Flushing Bay Long Term Control Plan (LTCP).

The SWIM Coalition represents over 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through natural, sustainable stormwater management practices. Our members are a diverse group of community-based, citywide, regional and national organizations, water recreation user groups, institutions of higher education, and businesses. On behalf of the SWIM Coalition Steering Committee, please accept these comments regarding the Flushing Bay LTCP.

First, we appreciate that DEP has taken into consideration some of SWIM's and our partners' concerns raised in previous LTCP meetings and comment letters. Additionally, we thank DEP for providing announcements in the languages of the community, and in the future, we hope to have access to the fliers in multiple languages earlier in order to facilitate our outreach to the community.



Second, we recognize and are relieved that chlorination was not identified by DEP as one of the agency's preferred alternatives. We hope that the final LTCP submitted to the State will reflect this preference, as we have significant concerns about using chlorination in New York City (disinfection masks the signal of bacteria indicators, does not demonstrably reduce public health risks, creates residual toxic and ecological risks, and fails to address the numerous other impacts of CSO pollution - from floatables to biological oxygen demand and petroleum pollution).

Overall, we urge DEP to select the 25 MG Tunnel and 60 MG High Rate Clarification option, which would reduce CSOs and pathogens by 75%, as the most cost-effective alternative retained. We also submit for your review the following comments and suggestions.

Reopen Review of the Flushing Creek LTCP

Flushing Bay and Flushing Creek, as SWIM and the community have stated at numerous public meetings, and our Flushing Creek comment letter to DEP, should not be evaluated separately. They are connected waterbodies that clearly and significantly impact and affect each other. During the most recent Flushing Bay public meeting, the Creek was only mentioned in passing - as a reference to baseline assumptions built into the Bay's water quality model. Even then, the Creek was treated as a closed book; the DEP models were built around an approved and implemented Flushing Creek LTCP developed last year by DEP.

We believe that reliance on the Flushing Creek LTCP as-written is a mistake; first, the State has not yet approved that LTCP, second, we do not believe it should be approved until DEP answers the significant public health and environmental questions surrounding the proposed reliance on disinfection in the Creek LTCP. In short, SWIM, the community, and a host of informed stakeholders (from scientists to primary contact users of these waterways) have significant concerns with the Flushing Creek LTCP - concerns which were submitted as comments to that LTCP but have yet to be addressed. As such, we ask DEP to reopen the Creek's LTCP, reevaluate its findings, and reassess - excluding disinfection - the proposed CSO control actions for Flushing Creek.

Modeling for CWA Attainment

DEP, during its October, 26 public meeting presentation for the Flushing Bay LTCP, claimed that implementation of the Green Infrastructure Program and Waterbody/Watershed Facility Plan will result in an estimated 20% reduction of CSOs into Flushing Bay (excluding, as noted above, over a billion gallons of expected continued CSO discharges into Flushing Creek, which will directly discharge into Flushing Bay), from 1.8 billion gallons to 1.4 billion gallons per year. These reductions, as modeled by DEP, could lead to 100% attainment of water quality standards. We would ask for more clarity on this



projection. First, how can the Bay be “swimmable” with 1.4 billion gallons (over 2,000 Olympic swimming pools) of sewage and stormwater entering Flushing Bay every year? Second, with the billion or more gallons from Flushing Creek, what is the full picture of floatables, chemical oxygen demand, biological oxygen demand, toxic pollution, and virus load into the Bay each year? Third, we have seen - and submitted - concerns that dissolved oxygen levels, due to DEP’s plan to continue discharges of CSOs in Flushing Creek, the long-term nature of the Flushing Bay LTCP’s actual construction timeframes, as well as any remaining Flushing Bay CSO discharges, will regularly fall below the “never below” limits for fish survival; why is the DEP not using continuous Dissolved Oxygen monitoring for this LTCP (and other LTCPs)?

Green Infrastructure Targets

According to DEP, green infrastructure (GI) has been installed to manage only 1.6% (113 of 6,877 acres including LaGuardia) of the Flushing Bay watershed. What is DEP’s plan for moving forward with GI for Flushing Bay? How will massive parcels like LaGuardia and CitiField green their properties?

We would like to see a transparent and detailed action plan for Flushing Bay and Flushing Creek GI projects that includes when, where, and how big the projects in schools, parks and NYCHA buildings are (DEP has stated that, in the several years since it launched a GI program, only a few non-bioswale projects have been completed). How many impervious acres will be managed in the next few years? How much is left before DEP meets its obligations in the Flushing Bay watershed? If the public and advocacy groups know and understand the gaps in the Green Infrastructure Plan we can do our part, and be equipped, to encourage private property owners to install GI.

Additionally, complaints about ROW bioswales in the Flushing Creek and Bay watershed were brought up during the public meeting. How will DEP improve outreach and communication to the community to address these concerns? The community has to be on board in order for DEP to achieve its goals. GI is a unique opportunity for a community-based approach, and we encourage DEP to embrace this opportunity and leverage the voices of the community to facilitate the design and planning of future GI projects.

Planning for all CSOs

The Flushing Bay LTCP presentation lists alternatives for BB-006 and BB-008, the largest CSOs in Flushing Bay. However, there are no alternatives proposed for the remaining CSOs: TI-018, TI-017, TI-016, TI-015, TI-014, TI-012 and BB-007 (also, again, we note that over a billion gallons of CSO (and MS4) pollution will be discharging out the mouth of Flushing Creek each year). These remaining CSO outfalls discharge 87 million gallons of CSO into Flushing Bay and must not be ignored. Green infrastructure has only been implemented in the priority CSO-sheds for BB-006 and BB-008, but should be implemented widely in these other CSO-sheds to make meaningful reductions in CSOs. Grey infrastructure solutions



must also be analyzed - for some of these smaller CSOs, small-scale projects (e.g., regulatory enhancements, floatables control) could lead to significant downstream improvements.

Sewer Separation Projects

TI-012 in the Upper Bay is labeled as a CSO outfall, but the drainage area appears to be separate sewer area. TI-012 is also listed on the Modeled Flushing Bay CSO Volumes slide. Did the TI-012 sewershed go through a sewer separation project? What is the volume of CSO from TI-012, if any? We have heard of sewer separation projects happening in other Tallman Island CSO-sheds, yet there is no mention of them in the Waterbody Watershed Facility Plan or the LTCP presentation. Our only knowledge of these projects is through news articles related to MacNeil Park. An October 14, 2016 article in the NY Daily News titled Pollutant-pumping pipe proposal puts MacNeil Park in peril, Queens preservationists protest quotes an agency spokesperson saying, "As part of the \$132 million project in College Point, three existing combined sewer overflow outfalls will be shut down — this will significantly improve water quality and the health of wetlands and oysters."

Are these projects happening in coordination with the LTCP? If so, why are they not mentioned and incorporated in the analysis. Will the shut down of these CSOs have an impact on Flushing Bay? Will this improve capacity at the Tallman Island Wastewater Treatment Plant? Why were these outfalls chosen to be "shut down"? What made these CSO outfalls better candidates than some of the smaller CSOs on the Upper Flushing Bay?

Access to Final LTCP

We continue to be concerned that the public does not have access to the Draft LTCP before it is submitted to the State. There is an abundance of information missing from the presentation (from public meeting #2) that is necessary to make informed comments. For example, there were many questions during the meeting as to why the Citi Field parking lot was not retained as a potential location for a CSO storage tank. We would like to see in writing why, for one example, Citi Field was not considered a practicable CSO storage tank site, or what exactly the Creek's impact is to the Bay's water quality models. The timeframe between public meeting #2 and the submittal of the LCTP to the State is critical and the fact that the public is not able to comment on the plan before it is submitted to the state is incongruous with the idea of public participation in the development of the plans.

Conclusions

In conclusion, we appreciate the improvements that have been made in the LTCP process, and recognize the significant proposal that has been made for Flushing Bay compared to other LTCPs. However, the Flushing Bay CSO LTCP could still take a more holistic and



transparent approach to developing long-term solutions to reducing combined sewer overflows. The Flushing Creek LTCP must be re-opened, other CSOs in Flushing Bay must also be addressed, and the public must have access to detailed information for the GI plan and draft LTCP in order to provide informed input.

Thank you for the opportunity to submit these comments for the Flushing Bay CSO LTCP. We would welcome the opportunity to meet with you to discuss these matters further.

Sincerely,

Julie A. Welch

Julie A. Welch, Program Manager

On Behalf of the SWIM Coalition Steering Committee:

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