



December 19, 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](mailto:ltcp@dep.nyc.gov)*

**Re: Newtown Creek CSO LTCP Kick-off meeting**

Dear Commissioner Sapienza,

The Stormwater Infrastructure Matters (SWIM) Coalition and Newtown Creek Alliance submit this letter in response to the New York City Department of Environmental Protection (DEP) invitation for public comments concerning the development of the Newtown Creek CSO 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.

The Newtown Creek Alliance (NCA) is a community-based organization dedicated to restoring, revealing and revitalizing Newtown Creek. NCA represents the interests of community residents and local businesses who are dedicated to restoring community health, water quality, habitat, access, and vibrant water-dependent commerce along Newtown Creek. Since 2002, the Alliance has served as a catalyst and channel for effective community action and our efforts have made a positive and enduring impact on the health and quality of life of Creek-side communities.

On behalf of the SWIM Coalition Steering Committee and the Board of Directors for the Newtown Creek Alliance, please accept these comments regarding the Newtown Creek LTCP.

### CSO Data

First and foremost, we are concerned about the lack of detailed information provided at the kick off meeting. As one example, inconsistent with other LTCP presentations by the DEP, no details were provided on outfall-specific CSO volumes. This data has been provided for the Westchester Creek, Flushing Creek, Gowanus Canal, Bronx River, Flushing Bay, and Coney Island Creek LTCP kick-off presentations. Citywide, SWIM, Newtown Creek Alliance, our partners, and the public rely on such data for everything from outreach and education to providing detailed comments on LTCP proposals.

The last time the Newtown Creek community was presented with specific CSO discharge volumes was in the 2011 Waterbody Watershed Facility Plan. We request that this information be made publicly available on the Newtown Creek LTCP webpage as soon as possible. We also reiterate a request made at the public meeting, and below, that there be a new, data-focused, detail-driven meeting with the community before the planned “Alternatives” meeting.

### Green Infrastructure

The Community also needs more details for planned and completed green infrastructure (GI) projects. What are the 24 preliminary projects being considered? What projects were considered but ultimately not considered? What is the total square footage and potential gallons managed from these potential and constructed projects? These details should be made available on the Newtown Creek LTCP webpage as soon as possible. This information is vital for the community; it aligns ongoing private property work with public projects and DEP initiatives, shows the public what regional approaches are underway for reducing stormwater before it enters the CSO system, and it gives community boards and neighborhood associations a clear picture of upcoming or planned projects in their action areas.

Specific GI information also informs interested stakeholders, such as our groups, as to where gaps are in green infrastructure proposals and where we can focus our efforts for outreach and engagement. In short, it appears that the City is walking back investments in green infrastructure for this region - we request, therefore, that the DEP generate a more robust presentation on its plans and progress for GI in this sewershed.

Members of the public mentioned that industrial buildings near the Creek have the potential for and capacity to install and maintain green roofs but do not qualify for the current

DEP GI Grant Program because they are in an MS4 area. We recommend that the Grant Program be extended to the MS4 areas of the city so that GI on private property can assist in capturing stormwater runoff.

### Aeration

In regards to the LTCP and CSO “control”, we seek to fully address the numerous issues surrounding the currently operational aeration system and planned expansion. We have raised a multitude of concerns over the years and have not received straight answers from DEP or DEC addressing these concerns. To have meaningful engagement on this topic, and most importantly, find solutions that satisfy all vested interests, we request a meeting with DEC and DEP to specifically discuss aeration in person. Given the lack of dialog regarding the long - term plan for utilizing aeration as well as the actual necessity for aerating different areas of Newtown Creek, and the fact that the system only addresses one symptom of Clean Water Act standards, we ask that growing community concerns and unanswered questions not only be acknowledged but addressed in determining a revised plan going forward. The DEP, the State DEC, and the EPA (in its role overseeing the Creek’s contamination remediation) cannot continue to ignore the public on this fundamental issue.

### Illegal Dumping/Discharges in the Creek

It is important to note that several community members at the kick off meeting raised concerns about the illegal dumping into the Creek and nearby catch basins. While we recognize that DEP will address this matter through the forthcoming MS4 plans and their enforcement program, we recommend that DEP consider stronger enforcement measures against chronic violators and not just impose fines but rather require that these violators pay for the costs to clean up the waterway and catch basins that they damage when they dump cement and other toxins into the Creek and the City’s sewer system.

### Public Involvement in Alternatives Selection

Finally, as noted during the meeting, the current process of meeting for the kick-off and then for the proposed alternatives does not allow sufficient opportunity for the public to weigh in on the alternatives. This community is well informed on CSO and water quality issues, due in part to Newtown Creek Alliance outreach and education efforts, as well as involvement from the Newtown Creek Superfund CAG.

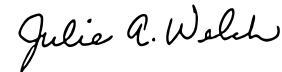
The knowledge of the community should be leveraged through this process. As such, we ask DEP to hold a separate collaborative session to explore and discuss alternatives for the LTCP before the agency makes its initial knee-of-the-curve decisions.

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

Sincerely,



Willis Elkins, Project Manager  
Newtown Creek Alliance



Julie A. Welch, Program Manager  
*On Behalf of the SWIM Coalition Steering Committee*

Sean Dixon, Riverkeeper  
Andrea Leshak, NY/NJ Baykeeper  
Larry Levine, Natural Resources Defense Council  
Michelle Luebke, Bronx River Alliance  
Paul Mankiewicz, The Gaia Institute  
Tatiana Morin, New York City Soil & Water Institute  
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