



November 12, 2010

Comments from the Stormwater Infrastructure Matters (S.W.I.M.) Coalition for the NYC Department of City Planning
Re: Draft recommendations to of *Vision 2020: The New York City Comprehensive Waterfront Plan*

Stormwater Infrastructure Matters (S.W.I.M.) is a coalition of over 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through natural, sustainable stormwater management practices – called Green Infrastructure – in our neighborhoods. We believe this approach is environmentally and fiscally responsible because it utilizes stormwater, currently viewed as waste, as a resource. S.W.I.M. members endorse a truly sustainable view of watershed management; one that restores ecological systems, creates local economic opportunities and equitably distributes the benefits of Green Infrastructure (GI) in NYC.

The city's development of a new Comprehensive Waterfront Plan (CWP) trains our focus at the waters edge, but we must recognize that what happens on land primarily determines the health of our waterways. Therefore, we urge the Department of City Planning to include in the CWP effective measures to promote the widespread implementation of Green Infrastructure throughout New York City, connecting upland and waterfront communities in the urban watershed.

The S.W.I.M. Coalition is proud to join New York City in acknowledging New York Harbor as the cleanest it has been in over 100 years. It is essential to maintain this momentum if we are to fully realize the Clean Water Act's vision of fishable and swimmable waterways throughout New York City. We also recognize that we are in a moment of unprecedented interest and commitments to Green Infrastructure from Mayor Bloomberg and the NYC Department of Environmental Protection, as evidenced by the recent release of the NYC Green infrastructure Plan. The success of a comprehensive, long-term green infrastructure plan for New York City will depend on the active participation of the many agencies that have been involved in developing the CWP..

We would like to commend the public dialogue that your Department has fostered and the overall transparency of this planning process. We will offer here our brief comments on the draft recommendations for citywide policy and programmatic changes, and expect comments addressing “reach recommendations” will be offered by some of our member organizations working locally.

We wholly support expanding public access to the waterfront and waterways. Bringing people to the waterfront, and better yet – out on the water, presents a wide array

of opportunities in transportation, recreation, education and economic development. Importantly, experience on the water creates stewards in the watershed. Despite major improvements in water quality, pollution persists, and **such access must be balanced with public health protection.**

Large volumes of stormwater inundate New York City sewers each time it rains, causing 27 billion gallons of raw sewage and polluted stormwater to be discharged each year into local waterways – where New Yorkers live, work and recreate – through Combined Sewer Overflows (CSO). Capturing stormwater on land can prevent sewage and toxins from polluting our waterways, while creating multiple benefits for upland neighborhoods.

Widespread on-land stormwater management can make it possible for New York City waters to meet the Clean Water Act standards for safe swimming and fishing, while meeting local sustainability goals of creating more green open space, cooling and cleaning the air we breathe, reducing our energy costs, generating accessible green jobs. To achieve this, multiple agencies, both public and private, must collaborate toward this end. The S.W.I.M. Coalition recommends fostering such collaboration through Green Infrastructure policy, education and implementation (our full platform is available here http://swimmablenyc.info/?page_id=4). Based on this framework, we make the following suggestions to strengthen the Vision 2020 plan.

We support waterfront development that showcases the best Green Infrastructure practices. DCP should commit in the CWP to further strengthening the 2009 Waterfront Zoning Text Amendment to support this goal. S.W.I.M. has previously submitted specific suggestions for how to do so, which we urge DCP to re-visit. See: <http://swimmablenyc.info/wp-content/uploads/2010/04/022309.pdf>

We support a requirement for every relevant city agency to create its own a Green Infrastructure implementation plan . Many agencies must collaborate to implement an effective Green Infrastructure strategy. In addition to DEP and DCP, other critical agencies include, but are not limited to, the Department of Parks and Recreation, Department of Transportation and Department of Buildings. **As a first priority, every city agency that builds or designs public projects (within or outside of the public right-of-way) should set new design standards that maximize the use of Green Infrastructure in every project.** The federal government already has a performance standard applicable to new “federal facilities.” (See http://www.epa.gov/owow/NPS/lid/section438/pdf/final_sec438_factsht.pdf)

The CWP should include an initiative to establish a public notification system for CSOs. While we are acting to reduce CSO pollution in the future, public health must also be protected today. Currently, there is no way for millions of NYC residents to find out if there have been actual CSO discharges (or a high likelihood of such discharges after any given rainstorm) where they access the water. Public notification and public education are crucial to protecting public health at the water’s edge.

The EPA’s CSO Control Policy requires the City “to inform the public of the location of

CSO outfalls, the actual occurrences of CSOs, the possible health and environmental effects of CSOs, and the recreational or commercial activities curtailed as a result of CSOs.” In addition, Local Law 5 of 2008 (NYC Admin. Code § 24-526.1(c)(7)) requires the City to undertake “a program of public notification to inform the public of the location and occurrence of combined sewer overflow events, which . . . shall include a mechanism to alert potential users of the waterbodies affected by combined sewer overflow events . . . of the estimated nature and duration of conditions that are potentially harmful to users of such waterbodies.” The same requirements appear in DEP’s Clean Water Act permits issued by the State.

The City is not yet fulfilling these requirements. DEP maintains an online map with limited information about water quality conditions city wide, and provides signage at each CSO outfall graphically indicating pollution concerns during wet weather. While we commend DEP for investing in improved signage in recent years, signage alone offers static information, with no details on the dynamic condition of water quality as it dramatically changes after wet weather. In addition, NYC’s Department of Health monitors wet weather conditions, samples water quality at public beaches, and notifies beach operators when rainfall exceeds preemptive limit for pathogens. This system applies to less than 15 miles out of over 600 miles of NYC waterfront for 3 months out of year. To fill these gaps, we encourage DCP to include a CSO public notification initiative among the public education components of the CWP.

We support the creation of a new City office to oversee all operational matters of the waterfront, especially if such an entity would provide public health information for the benefit of those working, visiting and recreating at the waterfront. The entity proposed in Goal #6 could work with DEP to provide real time information on the time and location of CSO events for the waterfront in its entirety, not just designated bathing areas during the summer season. Given the enormous – and growing - population of our waterfront users, water quality notifications should be broadcasted via newspaper, radio, TV news, with more robust, real time information online and a telephone hotline for citizen calls. Moreover, public notification can be tailored to the various user groups, with specialized information targeted to marinas, fishing piers and known informal swimming holes.

Well-crafted public notification can merge with public education to even go beyond protection of public health and into behavior change (water conservation, litter reduction, lot-level stormwater management) that would help the DEP in its goals to mitigate CSO impacts.

We support appropriately sited economic development activity on the working waterfront that improves the ecology of the edge, targets water-dependent industries, grows the green job sector and includes safe public access for adjacent communities. In addition to those industries that require water-borne transportation and provide crucial public infrastructure, new economic activity can be centered on the restoration of degraded natural areas on waterfront itself. Shellfish habitat restoration and wetland restoration are two important strategies for end-of pipe and in-water pollution

mitigation. Consider also, beyond the restoration of “natural waterfronts” the creation of constructed habitats purpose-built for pollution control such as constructed wetlands. There are several professional concepts that we endorse - such as dland studio’s “Sponge Park” and W Architects and Landscape Architects’ “Marine Streets” - that present resilient, integrative waterfront designs that respond to our need for stormwater management, habitat restoration and climate change adaptation. Such designs provide a new vision of the waterfront that marries utility, access and ecology.

Thank you again for your efforts in working with the broad range of stakeholders on our vast and vibrant waterfront. We appreciate this opportunity to provide comments and look forward to the final plan and to working with DCP and many other city agencies implement a new “vision” for sustainable waterfronts and waterways across New York City.

Sincerely,

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