



December 21, 2011

Carter H. Strickland, Jr.
Commissioner

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Lawrence M. Levine
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Dear Mr. Levine:

I appreciate our meeting with you and Dr. Travers last week. We agree with you on many of the points you raised at the meeting and in your follow-up email, and we are working to incorporate as many of your suggestions as we think are appropriate at this time. More importantly, we are looking forward to collaborating with NRDC and other stakeholders over the long term to make this rule and the green infrastructure program as effective as possible through period reviews and incremental improvements as we gain experience with the program.

In the City's draft Amended Consent Order with the New York State Department of Conservation we commit to ten watershed-specific Long Term Control Plans (LTCP) and one citywide LTCP. In your December 19, 2011, email you request that DEP commit to mandated "look-backs" of the stormwater performance standard as a component of the LTCPs. As you know, the Green Infrastructure Program and the LTCPs are designed to be iterative. We will be working closely with the green infrastructure steering committee throughout the year and will be performing internal reviews of the rule, all of which will be reflected in the annual reports that will account for progress toward achieving our goals in each watershed, including rates of development and adoption of the performance standard. We will use those annual reports as an opportunity to reflect on challenges in implementing the rule and potential amendments to the rule moving forward.

Your recommendation to accelerate a peer review group is well taken. Just a year ago, DEP's commitment to immediately form a Green Infrastructure Citizen's Group and Steering Committee, both launched in early 2011, was accompanied by a commitment to form "a panel of independent, qualified experts" to review green infrastructure designs (letter from Commissioner Cas Holloway, November 12, 2010). At that time we envisioned creating that group at the "end of a three to five year start-up period," but so much has happened in the first year of the NYC Green Infrastructure Plan that we believe it would be beneficial to gather a group of technical experts in green infrastructure, hydrology, and drainage sooner than that timeframe. A strong foundation in defensible, replicable results, complemented by rigorous peer review, will make our program even more effective. We will be sure to reach out to you and other important stakeholders to create a panel that is robust in stormwater expertise.

We appreciate the time that you and your staff have committed to the Green Infrastructure Citizen's Group and the Steering Committee. Please do not hesitate to reach out to me if you have any more questions.

Very truly yours,



Carter H. Strickland, Jr.

- c: Chris Hawkins, Chief of Staff, DEP
- Kathryn Garcia, Deputy Commissioner for Operations, DEP
- Robin Levine, General Counsel, DEP
- Angela Licata, Deputy Commissioner for Sustainability, DEP
- James Roberts, Deputy Commissioner for Water and Sewer Operations, DEP
- Julie Stein, Director, Bureau of Environmental Planning and Analysis, DEP
- James Garin, Director, Bureau of Water and Sewer Operations, DEP
- David Ramia, Chief, Bureau of Water and Sewer Operations, DEP
- Dr. Robert Traver, Villanova University