



# EMPIRE DRAGON BOAT TEAM NYC

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Robert Simson  
NYS DEC – Division of Water  
625 Broadway  
Albany, NY 12233-3502

Re: Comments on Proposed Amendments to the Regulations “Classifications-Surface Waters and Groundwaters,” 6 NYCRR701and703

Dear Mr. Simson:

This written comment is submitted on behalf of the Empire Dragon Boat Team on the proposed rulemaking to amend Water Quality Standards Regulations, 6 NYCRR701 and 703.

Founded in 2009, the Empire Dragon Boat Team is New York City’s first and only women’s cancer survivor racing team and one of over 140 women’s breast cancer survivor teams worldwide that serve to promote the sport of dragon boating as part of a healthy lifestyle, and provide a unique support for all women fighting cancer. We are a competitive racing team and practice several times a week at the World’s Fair Flushing Bay Marina during the spring, summer and fall. We are part of the thriving Dragon Boat community that calls Flushing Bay our home. In season, Flushing Bay hosts at least ten dragon boat teams for regular practice and over one thousand people use the Bay every summer for some form of human powered boating.

We also work to improve the environment, and our Green Team has organized a number of initiatives focused on cleaning up Flushing Bay, including community environmental awareness trainings, shoreline clean-ups, citizens water quality testing and oyster gardening in collaboration with other community groups.

As frequent and active users of Flushing Bay, a Class I water, we are well aware of its current water quality, which currently does not meet swimmable standards. Dragon boating is human powered (20 paddlers per boat and a drummer and steersperson.) Dragon boating is an active sport that involves extensive contact with the water. People are therefore exposed to the same risks of polluted water as swimming and the water standards must be improved to protect existing users of these water bodies. We are therefore in support of the proposed rule making, with some important caveats and necessary changes:

*Continued*

1. Change the “designated uses” of these waters to “primary contact”, as well as the “water quality criteria.”
2. The language which contains limitations of suitability for primary contact recreation “..although other factors may limit the use for this purpose” in 701.13 is too broad and vague and should be limited. Such language could render the intention of the new regulations—protection of the water quality—meaningless.
3. We want to know how the changes in the regulations will affect the on-going water quality improvement programs. For example and in particular, how will the new criteria be integrated into the city’s sewage overall reduction plans, in a way that actually requires the city to continue to reduce the untreated sewage discharges/pollution? This issue is of vital importance, since a primarily source of pollution in Flushing Bay, as well as many of these SD and I waters is untreated sewage of combined sewage overflows.
4. Apply the modern scientific standards for swimmable water quality. The DEC should revise the draft regulations to ensure that the EPA’s stricter BEACH Act standards apply to the waters like Flushing Bay. The stronger enterococcus-based standard should be utilized as the fecal coliform standard is scientifically outdated.
5. Protect people where they contact the water. Samples should be taken from near-shore areas where there is greater contact with the water. Citizen science tests have shown that water quality near the shore is often worse than in the middle of the Bay.

Thank you for consideration of these comments in your rule-making. Empire Dragon Boat Team will continue to work towards the improvement of the water quality of Flushing Bay and other Class I and SD waters. We hope to continue to cooperate with the DEC in this goal.

Sincerely

Donna Wilson, RN  
Captain, Empire Dragon Boat Team