



June 29, 2015

The Honorable Emily Lloyd
Commissioner
NYC DEP
59-17 Junction Blvd
Flushing, NY 11373

RE: Comments on the June 2015 Bronx River CSO Long Term Control Plan Second Public Presentation

Dear Commissioner Lloyd

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 Bronx River 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 Bronx River LTCP process.

Water quality impairments other than pathogens

The tidal section of the Bronx River is listed in the Impaired/DeListed Waters NOT Included on the 2014 Section 303(d) List for pathogens, oxygen demand and floatables. The sources of these pollutants are attributed to urban and stormwater runoff and CSOs. It appears that the alternatives were evaluated primarily for pathogen reductions with disinfection as the preferred alternative. While we appreciate DEP's focus on protecting public health and enhancing the recreational opportunity of the Bronx River, we are deeply concerned that the proposed alternative - or other alternatives considered - do not address the oxygen demand or the floatables.

As you know, this spring, high numbers of dead menhaden herring and turtles have been seen in the Bronx River as well as in waterbodies around the region. This has raised serious questions about excess nitrogen fueling algal blooms which in turn cause dissolved oxygen levels to plummet. Any option selected for the LTCP should reduce nutrient loadings and oxygen demand that threaten aquatic life. We therefore urge DEP to consider an alternative that would reduce combined sewer overflow volume as much as possible.

For floatables, we understand DEP has completed the construction of in-line netting facilities and mechanical screens in 2012. It is unclear when the NYS Department of Environmental Conservation assessed the Bronx River for floatables in preparation for the 2014 303(d) list. We would like to know whether the new construction for floatables control has reduced the amount of floatables to the degree that the Bronx River might be delisted for this pollutant in the next 303(d) list.

Effects of chlorination on aquatic ecosystem

We are also concerned about the impact of discharges of any residual chlorine on wildlife in the river and call for zero discharge of residual chlorine in the Bronx River until we have a complete understanding of the effects of chlorination on the aquatic ecosystem. We recommend DEP share with the public how it arrives at the appropriate dosage. Research on dosage for disinfecting CSO discharges is sparse and we would like to know the methodology for dosage determination.

Should the preferred alternative be implemented, we urge DEP to:

- Perform daily monitoring using grab samples at all outfalls when disinfection is actively in use.
- Conduct baseline ecological surveys of each area being treated at disinfection outfall to track any long-term effects of chlorination
- Install de-chlorination facilities, if necessary, to maintain zero discharge limit

More robust green infrastructure investment

The Bronx community has been an earlier adopter and an ardent supporter of GI since before the City created the GI program. We commend DEP for its diligence in implementing the ambitious GI plan. However, we recommend that DEP broaden the scope of GI in the Bronx River watershed to:

- Include practices beyond bioswales, such as green roofs and pervious pavers
- Create incentives for GI on private properties
- Expand GI into upstream areas covered by MS4

Implementing the Long Term Control Plan represents a major investment in upgrading New York City's infrastructure, as well as an opportunity for providing community benefits. While both green and grey are necessary for the waterbody, we recommend a larger investment in green infrastructure for its co-benefits. We particularly urge DEP to institute workforce requirements that promote training and hiring local workers. Such requirements would benefit not only the community by providing jobs but also DEP by encouraging local stewardship of GI practices.

As currently proposed, DEP investment in green infrastructure represents a fraction of the spending required to implement the alternatives being considered for the LTCP. Just imagine the impact of a \$10M investment in green roofs along the Bronx River.

Need for a watershed approach

We understand the challenges of a waterbody that spans multiple jurisdictions, is served by multiple sewer systems, and has complex land use patterns. However, we encourage DEP to take a more holistic look at the Bronx River in its entirety. We continue to be concerned about the impact of pollution coming from Westchester County. We also want to know how the LTCP fits into the City's MS4 permit, which will cover the upper reaches of the Bronx River. DEP's presentation shows 75% of the discharge volume comes from



separate and direct drainage areas of the river. We believe any investment we make needs to be evaluated in the larger context of the entire watershed.

Improving public outreach

It is difficult for the public - the very people who swim or kayak in the river - to fully comprehend the pros and cons of the alternatives presented, let alone weigh in on them, particularly if one cannot attend the meeting to hear the presentation in person. We continue to urge DEP to develop presentations that translate technical information in a more easily understandable format. It is important for the recreational water users to understand the challenges and tradeoffs for each alternative.

Thank you for the opportunity to comment on the Bronx River Alliance Long Term Control Plan. The S.W.I.M. Coalition will continue to reach out to and educate the public on water quality issues in the City. We look forward to working with DEP on the forthcoming eleven LTCPs in the years ahead.

Sincerely,

Julie A. Welch, Coalition Coordinator
On Behalf of the S.W.I.M. Coalition Steering Committee

- Sean Dixon, Riverkeeper
- Robin Kriesberg, Bronx River Alliance
- Larry Levine, Natural Resources Defense Council
- Paul Mankiewicz, The Gaia Institute
- Tatiana Morin, New York City Soil & Water Conservation District
- Nina Sander, Rocking the Boat
- Jaime Stein, Pratt Institute
- Shino Tanikawa, New York City Soil & Water Conservation District

CC:
Judith Enck, Regional Administrator, US EPA Region 2
Angela Licata, Deputy Commissioner, NYC DEP
Venetia Lannon, Regional Director, Regional Director, NYS DEC Region 2