



October 29, 2015

Commissioner Emily Lloyd
New York City Department of Environmental Protection
9605 Horace Harding Expressway
Corona, New York 11368
via email: ltcp@dep.nyc.gov

Re: Comments on Proposed Final Recommendations --Flushing Creek CSO Long Term Control Plan

Dear Commissioner:

This written comment is submitted on behalf of the Guardians of Flushing Bay ("Guardians"), on the proposed final recommendations-Flushing Creek CSO Long Term Control Plan, to set forth fundamental objections to the Plan as it will not result in meaningful reduction of raw sewage into Flushing Creek and its connected waterway, Flushing Bay. The Plan does not advance meaningful action to comply with the City's obligations under the Clean Water Act.

Guardians is a coalition of Dragon Boat teams and their members, other human-powered boaters, environmentalists, and area residents whose mission is to advocate for and promote a clean and healthy Flushing Bay. The World's Fair Flushing Bay Marina, adjoining Flushing Creek, is the home of a very vibrant human-powered boating community. In season (spring, summer and the fall), at least ten dragon boat teams use Flushing Bay for regular practice multiple times during the week and over one thousand people use the Bay every summer for some form of human powered boating. Human-powered boating such as dragon boating, kayaking and outrigger canoeing are active sports that involve 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. Guardians works to improve the environment, and our members have 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.

Flushing Creek flows into Flushing Bay and because of tidal action, water from Flushing Bay flows into Flushing Creek as well. Consequently, as the Creek and the Bay are connected, the impacts on one waterbody will affect the water quality of the other waterbody and efforts on one should take into account potential impacts on the other.

For the following reasons, the Flushing Creek LTCP is inadequate.

1. The LTCP planning process did not assure meaningful community participation due to language access issues--the notices of the various hearings were not translated into Chinese, Korean, and Spanish, the languages of the communities surrounding Flushing Creek and translation was not available at the meetings.
2. The Flushing Creek LTCP and the Flushing Bay LTCP were separate and distinct, and on consecutive time lines. DEP should have done long-term planning for both waterways simultaneously as they are intrinsically linked. The health of the creek and the health of the bay are dependent on one

and other. The Flushing Bay LTCP planning process already begins with the fait accompli of the final plan for Flushing Creek—no reduction of sewage discharge into Flushing Creek and the introduction of another chemical, chlorine, which has consequences for the wildlife, plant life and human contact.

3. The plan calls for no reduction of combined sewage overalls into Flushing Creek (and therefore Flushing Bay). The City should reduce the actual flow from Combined Sewers into the Creek and not merely disinfect the effluent. Combined Sewers do more than transport pathogens, they are also important sources of nutrients that can disrupt natural ecosystems through biological oxygen demand, and toxic chemicals that can make fish unsafe to eat. By merely disinfecting, the City is also doing nothing to reduce the trash, often disgusting, that enters the creek from combined sewers. Is a water swimmable if it is full of condoms, tampons and toilet paper? Also, the City should consider the human aspect of what they're proposing. Would you swim in sewage if we told you that all the bacteria in it were dead? Or would swimming among feces and toilet paper be unacceptable to you, even if it wouldn't make you sick? That's what your plan means for us.

4. Disinfection of the sewage overflow is untested in terms of its effect of the environment. It is our understanding that no study of a comparable water body has been done. DEP admitted that data on its pilot project in Spring Creek to study effects of chlorination will not be available for a few more years. The effect on fish, birds, plant life and human users has not been studied. To our knowledge, the City has not accounted for the effectiveness of their disinfection on viruses or protozoa, which are in many ways vastly different from bacteria. Nor has the city released information on whether their disinfection method will produce persistent organic chlorinated compounds that are not removed by disinfection. We are trading one pollutant for several others. In addition, the sewage overflow will be discharged without treatment for many months (November 1 to April 30) and will remain in the sediment thereafter. In short, the community believes it is a clear error of judgment, law, and public process to decide upon a strategy without knowing whether that strategy will work, what impacts it will have.

5. The time-line for the development of green infrastructure is too protracted.

We see Flushing Creek and Flushing Bay as a valuable community and municipal resource. The City should use the CSO Long Term Control Plan as a way of increasing the quality of life and sustainable economic development. The extraordinary growth of downtown Flushing and the attention that Queens is enjoying as a tourist destination could create opportunities to develop the waterfront for recreational purposes. Instead, the DEP is continuing to allow Flushing Creek and through the water flow Flushing Bay as a dumping ground for sewage.

We urge the DEP to come up with a plan which will reduce in a significant reduction of sewage overflow into Flushing Creek and then Flushing Bay. We may be reached at GuardiansofFlushingBay@gmail.com.

Yours truly,

s/

Hillary Exter
for Guardians of Flushing Bay

CC.: Gary Kline, NYS DEC
Venetia Lannon, DEC Region 2
Congressperson Joseph Crowley
City Councilperson Julissa Ferreras-Copeland