

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance
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August 5, 2015

SENT VIA EMAIL

Mr. Keith Beckmann, P.E.
Program Manager - LTCP
Bureau of Wastewater Treatment
New York City Department of Environmental Protection
96-05 Horace Holding Expressway
Corona, NY 11368

Re: Order on Consent ("CSO Order"), DEC Case #CO2-20110512-25 modification to DEC Case #CO2-20000107-8, Appendix A
III. Inner Harbor CSO, I. Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal

Dear Mr. Beckmann:

The New York State Department of Environmental Conservation (Department) completed a review of the Gowanus Canal Long-Term Control Plan (LTCP) submitted by the New York City Department of Environmental Protection (City) on June 30, 2015. The Department provides comments in Attachment A. The Department requests that the City provide a written response to the comments within 30 days of the date of this letter. If the City would like to discuss the comments contained herein prior to submitting its formal response, please contact the Department to do so in a timely manner to ensure the 30 day deadline will be met.

If you have any questions regarding this letter, please contact Mr. Gary Kline, P.E., Section Chief at 518-402-9655 or gekline@gw.dec.state.ny.us.

Sincerely,



Joseph DiMura, P.E.
Director, Bureau of Water Compliance
Division of Water

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Attachment A

1. **Dissolved Oxygen Standards.** In various sections of the LTCP, such as on pg. ES-13 and in Table ES-6, the City incorrectly refers to the Class I/SC dissolved oxygen standards as “primary contact recreation” standards. The D.O. standards are not related to contact recreation, they are associated with supporting aquatic species, either for survival or propagation, and may include single “never less than” standards or acute and chronic standards. As such, any references to dissolved oxygen standards should be revised to clarify they are not related to contact recreation.
2. **Water Quality Sampling Results.** Figure 2-19 indicate an increase in fecal coliform and enterococci concentrations around sampling location GC-7. The Department recommends that the City conduct additional site investigations to determine if illicit discharges are contributing to the high concentrations.
3. **Cost Estimates for Alternatives.** Additional information is requested on the cost estimates provided for the alternatives. In particular, provide:
 - a. A detailed breakdown of the costs for the tank alternatives, including planning and design costs, construction costs, and operations and maintenance costs.
 - b. A table summarizing the uncertainties associated with each cost estimate (e.g. -50 percent / +100 percent for Class 5 estimates) for all retained alternatives.

The City may also consider updating Figures 8-13 to 8-15 with a “box and whiskers” format for each cost estimate to illustrate the range of uncertainty.

4. **Cost Attainment Curves.** Clarify why only some of Figures 8-16 to 8-25 include attainment information for Primary Contact WQ Criteria Annually (FC).
5. **Tank Operation and SPDES 2A Permit Application.** The Department has conferred with USEPA, and the two agencies have reached the following understandings. The proposed CSO storage tanks discussed in the LTCP are not being constructed pursuant to the Clean Water Act. Instead, the tanks are part of the Superfund remedy selected by EPA. EPA has authority to oversee the design, construction and operation of the tanks as part of that remedy. Under Superfund law, the tanks must comply with all substantive New York State permitting requirements.

Once completed, the tanks will be a major modification to the City’s wastewater collection system, and pursuant to State law and regulation, must be operated pursuant to the SPDES permits for the two WWTPs to which the tanks will pump stored combined sewage. The LTCP failed to discuss the long-term operation of the tanks nor future treatment of stored CSO. The Department and EPA have determined that the process should include the City submitting SPDES 2A permit applications to DEC for the inclusion of the tanks into the Red Hook and Owls Head WWTPs at the time the final design

documents are submitted to EPA. The Department will coordinate with the City and EPA on public notice and approval of the SPDES permit modifications, and require the DEP to develop modified Red Hook and Owls Head WPCPs Wet Weather Operating Plans to include the CSO storage tanks at that time. Therefore, the Department requests that the LTCP addresses the necessity for modifying the WWTPs SPDES permit and the Wet Weather Operating Plans to allow the tanks to operate under the Clean Water Act.

6. **Gowanus Canal Dredging Project.** Given the extensive contamination of the CSO sediments in the Gowanus Canal, and the fact the sediments will be addressed by EPA's superfund remedy, the Department concurs with the City's previous proposal to eliminate the project as discussed in the City's letter dated February 19, 2014. Therefore, the project will be removed from the CSO Order, and the LTCP can be revised to reflect this change. The Department looks forward to reviewing the proposed Superfund remedy for addressing the sediments.