

## Long Term Control Plan (LTCP) Newtown Creek Public Meeting #1 – Public Kick off Meeting

### Summary of Meeting and Public Comments

On November 15, 2016 the New York City Department of Environmental Protection (DEP) hosted a public kickoff meeting to initiate the water quality planning process for the Newtown Creek Combined Sewer Overflows (CSO) Long Term Control Plan (LTCP). The two-hour event, held at the Newtown Creek Wastewater Treatment Plant (WWTP) Visitor Center in Greenpoint, Brooklyn, provided stakeholders with information about DEP’s LTCP Program, Newtown Creek’s watershed characteristics, and the status of waterbody improvement projects. DEP also solicited information from the public about their recreational use of Newtown Creek, and described additional opportunities for public input and outreach.

Approximately 60 stakeholders from 25 different non-profit, community, planning, environmental, economic development, and governmental organizations and the broader public attended the event, as did representatives from DEP and the New York State Department of Environmental Conservation (DEC). Information presented included:

- Newtown Creek water quality standard classification;
- Newtown Creek ongoing and new developments;
- Newtown Creek current uses;
- Newtown Creek watershed and land uses;
- Newtown Creek sampling program;
- Newtown Creek water quality improvement projects;
- Newtown Creek Pre-Waterbody Watershed Facilities Plan (WWFP) and LTCP Baseline modeled CSO volumes; and
- Newtown Creek CSO mitigation options.

The Newtown Creek LTCP Kickoff Public Meeting was the first opportunity for public participation in the development of this LTCP. The following summarizes the questions and comments from attendees as well as responses given. The presentation can be found at <http://www.nyc.gov/dep/ltcp>.

Q1: Is there any (mosaic) map that extends into the East River to show the bacteria levels as a comparison tool to the levels seen in Newtown Creek during wet-weather?

A1: DEP responded that there are multiple models in which the boundaries can be pushed out to include the bacteria levels in East River as requested.

Q2: What information is the time to recovery graphs presenting? How should they be read?

A2: DEP responded that the data collected is used to calibrate the water quality models, which will be used to update the DEP water quality advisories. Because every storm is different, water quality models are run to help determine a time to recovery after each event. Reading the data as presented now is difficult because of the number of factors included, such as tide influence. However, when the models are complete, they will allow DEP to project a time to recovery for each event that will inform DEP’s advisories. The current time to recovery graphs serve as a check for DEP to ensure the data being collected makes sense, and to identify any anomalies.

Q3: Do you have continuous DO data in this presentation? If not, could you map it out over time with rain events for the next meeting?

A3: DEP responded that they have not yet seen the data, but that it has been collected for the model calibration. The continuous DO data can be provided at the next public meeting.

Q4: Do you have literature on the New Private Incentive Program? Have you received any responses on the Request for Information (RFI) and what is the cutoff date?

A4: DEP responded that yes, the RFI is on the DEP website. DEP added that it has not yet received responses on the RFI, but had had a lot of questions and discussions with different non-profit organizations, community-based organizations, and private-sector entities, so is hopeful for a good turnout. The cutoff date is November 18<sup>th</sup>.

Q5: Have you worked with the NYC Economic Development Corporation (EDC) with respect to the Request for Proposals for the properties surrounding the mouth of the Creek? In particular, have you asked them to build these opportunities in and encouraged them to respond to your RFI?

A5: DEP responded that yes, it has been exchanging information with EDC. For new properties, developers must undergo a site connection DEP permit process through which it approves or disapproves the site or house connections.

Q6: When new sewers were put in the properties north and south of the Creek, were combined sewers installed?

A6: DEP responded that partially separated sewers exist in the Hunter's Point location south of the Creek and that, typically for new construction separated sewers are permitted. This should also be the case for construction from 10 to 20 years ago, but the existence of any permit from that time would need to be confirmed.

Q7: For the bioswales and the rain gardens, are you getting feedback from the local area about the concern of these items being put in without giving the homeowners the option to opt out?

A7: DEP responded it is considering the extent to which it can accommodate such requests and is working closely with City Hall to come up with a city-wide policy. However, opting out can delay green infrastructure (GI) installations by years.

Q8: How are the City agencies working together to ensure that green infrastructure is getting in at the very beginning of street redesign?

A8: DEP responded that a cultural shift in the City and that the GI program was bringing together City agencies, including Parks and New York City Department of Transportation, on a common mission and vision.

Q9: Given that significant portions of Newtown Creek are brownfield reclamation sites, is there consideration going into the industrial chemicals that are in the ground when replacing permeable pavement? Is the flow of the water through the pavement a concern for allowing the fumes and chemicals in the ground to migrate around?

A9: DEP responded that there are no large permeable pavement projects planned for Newtown Creek and that other GI practices, such as rain gardens, are typically implemented as a first option. Permeable pavements are more typically considered in high bedrock areas, for example, in the upper watersheds, including the Bronx.

Q10: Has there been any study on the idea of capturing rainwater off of rooftops where you are not picking up street contaminants as a source of freshwater to be put into Newtown Creek?

A10: DEP responded that it has not performed a study to determine the impacts of catching rainwater on rooftops to input directly to the Creek, but that DEP could look into performing such a study. DEP stated that, typically, house connection downspouts go into the regular plumbing of the house but that it is something that DEP could evaluate to determine whether enough freshwater flow is generated to make a difference.

Q11: There are numerous large, industrial factory buildings next to Newtown Creek that are not eligible for the GI grant program, but are perfect candidates for green roofs. Will they become eligible?

A11: DEP responded the new RFI expanded beyond just the CSO areas to the separated sewer/MS4 areas to take a watershed approach to the program and to encourage the third party administration to look at it as a watershed. The hope is for the new program to have a larger coverage, but the levels of responses and sign-up are still to be determined.

Q12: For individuals who want to encourage and engage private property owners in GI projects, is there a way to get more support from DEP to show these owners the effectiveness of these projects?

A12: DEP responded that it hopes the new RFI will encourage community-based organizations to take a role in the new GI program, and that there be more partnering between community-based organizations, engineering companies and non-profit organizations to structure the program.

Q13: For the 37 projects listed in the Public Property Retrofits for Newtown Creek, what is the time frame for completing all 37 projects and what is the total water gallon capture?

A13: DEP responded that each project is different. Designs are not standard, but customized, so that the rollout of each is unique. All 37 projects will be completed within 10 years, and each project will be listed on the NYC Green Infrastructure Map. The map shows many project details, including gallons of water captured, and each year DEP releases its Green Infrastructure Annual Report with program statistics.

Q14: What is the data on illegal dumping? There have been instances of cement dumping directly into catch basins causing them to get plugged up until DEP comes to clean them out.

A14: DEP responded that it does not have enforcement authority over illegal dumping, but has a complaint response group that responds to complaints, performs inspections, and maintains a facility history. DEP explained that stormwater runoff from industrial/commercial properties are generally regulated under the Clean Water Act through the multi-sector general permit issued and administered by the DEC.

Q15: Does outfall disinfection imply chlorine? Are you still looking at dechlorination?

A15: DEP responded that yes, it is considering a range of alternatives, including disinfection, but that disinfection does not necessarily require chlorine. Chlorine tends to be easier to implement and less expensive, but disinfection can take many forms. If chlorination is carried through as a potential alternative, then dechlorination would also be considered.

Q16: Does outfall disinfection mean disinfection at the CSO outfall site?

A16: DEP responded that every scenario is different. Typically, there would be a tank at the outfall for a combination of detention time and chlorination.

Q17: Would this be similar to what the Newtown Creek WWTP does with its treated effluent that is released out in the East River? As in, the chlorine would be combined with the outgoing effluent and fed to a deep point away from the shore?

A17: DEP responded that yes, that is what the plant does, and yes, the majority is sent to the East River.

Q18: Why is aeration being considered? It does not reduce the volume of CSOs and it makes the Creek look creepy for a person that may want to fish or swim in it.

A18: DEP responded that aeration was required under the Waterbody Watershed Facility Plan for Newtown Creek to meet the dissolved oxygen (DO) criterion of not less than 3 mg/L, and as a means to reduce odors and improve DO overall. Aeration is not used for bacterial reduction. Under the current LTCP process, aeration is just one of many alternatives being evaluated.

Q19: In English Kills, what effect has aeration had on wildlife in the water?

A19: DEP responded that some studies have been done in which improvement was shown, but that they were limited and undertaken during a three-year pilot study.

Q20: The sediment mounds in the Creek can cause navigation vessels to shallow out especially in low tide and in the tributaries. What are you doing to remove the tons of material, besides the most overt of floatables that are being carried out of the pipes and deposited into the Creek?

A20: DEP responded that these items, including solids, will be evaluated in the next phase of the LTCP process, when alternatives are reviewed. "Everything in the toolbox" will be evaluated, but not necessarily recommended.

Q21: On the topic of aeration, is DEP going to commit through the LTCP process to reevaluate the aeration projects that are already in place or planned to go forward? Is there a chance for feedback to reevaluate and see if there is a way to save the money that is planned for Dutch Kills and the main stem?

A21: DEP responded that yes, Dutch Kills aeration is being deferred because it is being reevaluated for size. DEP is open to discussions with the community and DEC to determine whether to revisit the projects.

Q22: To reinforce the previous question, it sounds like the aeration in Newtown Creek was really a bridge approach to a final fishable, swimmable waterway that would not rely on aeration. Can we at some point explicitly declare aeration as a bridge and evaluate it fiscally in those terms to determine if it is worth the cost?

A22: DEP responded that yes, the aeration was thought of as a phase one bridge to a larger, long-term solution, and not the final investment. The purpose of the LTCP is to evaluate alternatives with water quality models, so that fully informed decisions can be made.

Q23: If a storage tunnel is used where CSO discharges would be diverted from going into the tributaries, would you consider evaluating shutting down the aeration that is already in place?

A23: DEP responded that is not known at this point. Other entities, such as DEC, would have to be involved in that decision, but DEP will take feedback from this meeting to discuss with others.

Q24: How would the dredging through the LTCP fit in with the Superfund dredging program?

A24: DEP responded that it will share data and coordinate with the U.S. Environmental Protection Agency (EPA) on any dredging activity relating to or impacting Superfund activities. Final dredge depth would likely be dictated by the Superfund process.

Q25: Independent of the Superfund process, if you decide that dredging out CSO sediments is a good idea, is the EPA on board in allowing you to come in and do that or would you have to wait until the end of the Record of Decision to move forward?

A25: DEP responded that while dredging is in the CSO toolbox for the LTCP, it is unlikely that it would be selected for Newtown Creek. Any Superfund dredging would likely be more extensive and would supersede any dredging that would normally be considered for a CSO program. There are many logistics involved, which is why an integrated technical coordination process will be followed.

Q26: The fishable goal requires clean sediment or a clean bottom in the Creek, so the swimmable goal will come a lot sooner, correct?

A26: DEP responded that fishable means recreational fishing, not edible fishing. Swimmable and fishable are water quality goals, but that does not mean DEP endorses or recommends swimming in or eating the fish from the Creek. Specific information for edible fishing is available and can be provided.

Q27: Regarding the Wait... Pilot Program, is there any conception of an incentive program so that in the future people can be rewarded for showing their discipline?

A27: DEP responded that the Wait... Pilot Program was highly successful. An incentive program is planned for discussion and evaluation for future pilot areas.

Q28: What is the time frame in general from the first alert to the all-clear for the Wait... Pilot Program?

A28: DEP responded typically six hours.

Q29: Based on the presentation, there was not a lot of data presented to be able to interpret and discuss the problems and potential solutions. Can DEP give more data information?

A29: DEP acknowledged that a lot of data was collected as part of the LTCP program and was evaluating how best to present the data to the public for further discussion. DEP also noted it is still coordinating with EPA and the Newtown Creek Group on Superfund.

Q30: Normally after this meeting you come back with an alternative where you have crossed out several alternatives and have a plan. Would you be open to having another meeting where we come together again to dive into the material as a community since there is a lot of expertise in the room?

A30: DEP responded it would consider how best to go forward with the process around the data sharing.