



February 24, 2015

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Commissioner

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New York, NY 10007-1866

Dear Dr. Young and Mr. Sweeney:

Enclosed is the DEP Response to NYSDOH/EPA Comments on FAD Deliverables submitted December 30, 2014, in accordance with the Revised 2007 Filtration Avoidance Determination (FAD).

As always, if you have any questions about these comments or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

David S. Warne
Assistant Commissioner

**DEP Response to NYSDOH/EPA Comments on the FAD Deliverable Reports
Submitted December 31, 2014
Response Date February 24, 2015**

3.3 Community Wastewater Management Program

The Revised 2007 FAD required the completion of the South Kortright community wastewater project by December 31, 2014. Certain project delays caused this deadline to be missed. However, NYSDOH/USEPA acknowledge that that construction contract has been awarded, and the project will be completed by December 31, 2015.

DEP Response:

Comment noted.

4.2 Land Acquisition Program

The Revised 2007 FAD required DEP to schedule a meeting to review the status of the Farm Conservation Easement Program biennially, beginning December 2014. In consultation with NYSDOH, this meeting was held on January 7, 2015.

DEP Response:

Comment noted.

4.6 Stream Management Program

The Revised 2007 FAD required DEP to execute certain funding arrangements with partners of the Stream Management Program by the end of 2014, or as necessary to maintain program continuity. NYSDOH/USEPA acknowledge that DEP has met this deliverable. The following clarifications are requested:

The letter indicates that “funding within existing contracts and related contract time-extensions are sufficient for continuity of program activities until the new contracts are registered”. Please confirm that the program contracts include the additional \$10.5 million in funding above that which was provided during the First Five Year Period, as required by the Revised 2007 FAD.

DEP Response:

Yes, DEP’s new contracts that are being put in place with Stream Management Program partners include the additional \$10.5 million in funding above that which was provided during the First Five Year Period, as required by the Revised 2007 FAD. In addition, DEP has taken steps within the existing contracts and time extensions to enable certain communities to proceed with local flood hazard analyses.

DOH commends the City for its successful negotiation of the Flood Hazard Mitigation Program contract with CWC. The Revised 2007 FAD required this contract with CWC to be in the amount of \$17 million. Please confirm the negotiated contract amount.

DEP Response:

Yes, DEP’s contract with CWC for the Flood Hazard Mitigation Program is for \$17M.