

**NEW YORK**  
state department of  
**HEALTH**

Howard A. Zucker, M.D., J.D.  
Acting Commissioner of Health

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Executive Deputy Commissioner

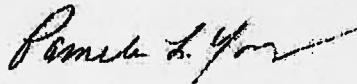
December 2, 2014

David S. Warne  
Assistant Commissioner  
NYC Department of Environmental Protection  
Bureau of Water Supply  
465 Columbus Avenue  
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD deliverables that were due by October 31, 2014. Our comments are attached. We would appreciate if you could provide a reply to these comments by January 9, 2015. Please feel free to contact me if you have any questions.

Sincerely,



Pamela L. Young, Ph.D.  
Chief, NYC Watershed Section  
Bureau of Water Supply Protection

Att.

Cc (electronic):

R. Sokol  
T. Boepple-Swider  
P. Sweeney – USEPA  
K. Kosinski – NYSDEC

## **NYSDOH/USEPA Comments on FAD Deliverables due October 31, 2014**

### **4.2 Land Acquisition Program**

The solicitation plan for the two-year period 2015-2016 was submitted as required by the Revised 2007 FAD.

In Section 3.1, the plan describes how WAC Agricultural Easement Program acres will be credited towards solicitation goals. Farms that are deemed eligible for an easement will be counted as solicited. It is not clear from this description whether the owners of these farms will be notified that they are eligible. Please confirm whether or not this is the case.

In Section 3.2, NYCDEP notes that the plan incorporates components of the City's Long-Term Land Acquisition Plan for 2012 to 2022 ("LT Plan"), which was issued in 2009. One strategy outlined by the LT Plan was to prioritize solicitation with consideration for the proportions of source water used from each reservoir basin. Describe how source water use has followed those projections considered in developing the LT Plan, and state whether this strategy is still valid. The LT Plan also identifies, as a priority for solicitation, parcels that adjoin previously acquired lands. Explain how such parcels are recognized in the LAP Parcel Ranking Tool.

NYSDOH acknowledges that a contract has been negotiated with the Catskill Center for Conservation and Development for implementing a Riparian Buffers Program. Please provide an estimated timeline for registration of this contract and implementation of the program.

### **4.6 Stream Management Program**

NYSDOH acknowledges that the field-based progress meeting for the program was convened by October 31 (actual date: October 29, 2014), as required by the Revised 2007 FAD.

### **4.11 Catskill Turbidity Control Program**

NYSDOH acknowledges that NYCDEP put out to bid the contract for improvements to the Catskill Aqueduct Stop Shutters by October 31, 2014, as required by the Revised 2007 FAD.

### **6.1 Watershed Rules and Regulations and Other Enforcement/Project Review**

The semiannual reports (*Enforcement Actions* and *Project Activities*) were submitted as required by the Revised 2007 FAD.

#### *Project Activities*

NYSDOH requests the following clarifications:

- This well-designed report will benefit from the inclusion of the list of acronyms, with figures/maps submitted in color.

- The report states (p.3, para. 3) that “The Agreement is funded for \$5,340,000 and additional funding will be provided as needed”. Additional clarification regarding the extent, justification, and the cap cost of eligible projects, if any, will be appreciated.
- In Table 3.2.1, please provide a brief description of item #1, project Log # 2014-SC-0040 (C & C Excavation).
- Table 3.2.2 lists three projects in the Kensico basin (2008-KE-2045, 2014-KE-0108, and 2014-KE-0011). Please provide brief descriptions of these projects (e.g., type of operation and anticipated discharge/runoff).
- In Table 3.3.1, item #24 (Leak Stabilization Pilot Plant) indicates the proposed completion date is “on hold.” It was the understanding of NYSDOH that this pilot work had been completed. Does DEP plan to move forward with additional work related to leak stabilization in the RWBT?
- Table 3.5.1 shows several rows where the number of approvals is greater than the number of applications (such as for Shandaken). Please provide clarification on these numbers, and note whether the number of approvals listed may include those for applications received outside the reporting period.

### *Enforcement Actions*

NYSDOH requests the following clarifications:

- It is recommended that for consistency and clarity that all described enforcement actions/projects include the name of the impacted reservoir basin. In addition, a list of acronyms will further improve the quality of the report.
- As stated in page 3, paragraph 4, the EOH Water Quality Investment Program fund was “provided by DEP through 1999 MOA”. This presumably should refer to the 1997 MOA.
- Section 3.2.1 provides detailed information regarding enforcement actions undertaken by NYCDEP with regards to violations in subsurface treatment systems/discharges in the Catskill District. A specific concern is posed by the illegal subsurface discharge made by the camping trailer in the Town of Jewett (2013-SC-0129; pp. 26-28). Please clarify why the project status is listed as “New”, while the “discovery date” is listed as 4/10/2013. In addition, clarification is needed regarding the process of decommissioning that illegal system. Since no tank was found during the inspection, are there any remedial actions to be taken towards the on-site soil contamination?
- Additional information is needed regarding the status of operation of the Harrison Waste Facility (2013-KE-0313), which is located in the Kensico basin (Section 3.2.4, pp.67-68). A very detailed summary of communication between NYCDEP, NYSDEC, Corporate Counsel, and the Town of Harrison engineer was provided in the report, but it is still unclear whether this facility is operational. In addition, please clarify how close this facility is to Kensico and/or a watercourse.
- One area of concern is amount of time required to design and replace an onsite wastewater treatment that has failed. The project descriptions indicate that it generally takes one to one and a half years for this process. We understand that potential water quality impacts from failed systems can be mitigated during this period (e.g., with septic tank pump outs). However, please provide a brief description of the steps involved in correcting a failed onsite wastewater treatment system, including any suggestions for ways that this timeline might be shortened.