



NEGATIVE DECLARATION
Notice of Determination of Non-Significance

December 27, 2017

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

New York City's Long-Term Watershed Protection Program in Support of Renewal of Its Filtration Avoidance Determination for the Catskill and Delaware Water Supply System

CEQR No: 17DEP012U

This environmental determination and Negative Declaration has been prepared in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) (Section 8-0113, Article 8 of the Environmental Conservation Law) as set forth in 6 New York Codes, Rules, and Regulations (NYCRR) Part 617; the City Environmental Quality Review (CEQR) process, as set forth in 62 Rules of the City of New York (RCNY) Chapter 5 and Executive Order 91 of 1977 and its amendments; and the State Environmental Review Process (SERP), as required by the State Revolving Loan Fund Program. As lead agency, the New York City Department of Environmental Protection (DEP) has determined that the 2016 Long-Term Watershed Protection Program (2016 LTP and its 2017 Addendum (collectively, the 2017 LTP) evaluated below would not have a significant adverse impact on the environment and is hereby publishing a Negative Declaration. The environmental assessment of the 2016 LTP activities was issued on December 15, 2016.

Purpose and General Description of the 2017 LTP

2016 LTP

As required by its 2007 Filtration Avoidance Determination (FAD), DEP prepared its 2016 Long-Term Plan for the Catskill/Delaware Water Supply System. The purpose of the 2016 LTP is to protect and improve existing water quality in the Catskill/Delaware water supply system by engaging in or funding various activities that serve protective and/or remedial water quality functions in the watershed. The 2016 LTP was submitted in support of New York City's request to continue to operate the Catskill/Delaware water supply without filtration. Accordingly, the City seeks a continuation of its existing filtration avoidance determination under the Surface Water

Treatment Rule (SWTR)¹ and the State Sanitary Code,² administered by the New York State Department of Health (NYSDOH) in consultation with the United States Environmental Protection Agency (EPA). The LTP, as proposed, is a comprehensive watershed protection strategy that focuses on implementing both protective and remedial initiatives through a number of individual programs and activities.

Activities under the LTP would take place throughout those parts of the New York counties that fall within the Catskill/Delaware water supply system plus two reservoir drainage basins within the Croton system. These counties are Delaware, Dutchess, Greene, Putnam, Schoharie, Sullivan, Ulster, and Westchester.

DEP has concluded that the proposed LTP is classified as a Type I action since it falls under 6 NYCRR § 617.4(b)(1), “the adoption by any agency of a comprehensive resource management plan” and affects a broad geographic area.

Additional Elements in the 2017 LTP

Since the issuance of the 2016 LTP in December 2016, which was the basis for the environmental assessment issued on December 15, 2016, there have been a few additions and clarifications to this program, which have been captured in the December 2017 LTP. The 2017 LTP includes the modifications to DEP’s 2016 Long-Term Plan as a result of New York State Department of Health’s preparation of the 2017 Filtration Avoidance Determination (2017 FAD). In general, the changes between the 2016 LTP and 2017 LTP are minor. Due to the time lag between the two documents, LTP program milestone dates were updated as needed. Additionally, some activities/milestones already included in the LTP but not listed as reporting milestones are now explicitly listed as deliverables in the 2017 FAD. These changes do not reflect additions to the watershed programs but are simply a change in terminology.

Notable changes to the watershed programs are identified below.

Septic and Sewer Programs: DEP would make additional funding available to the Small Business Septic System Program to address a total of 15 systems per year. DEP would work with the Catskill Watershed Corporation (CWC) to modify the Cluster System Program Rules, if the City and CWC conclude that modifications are necessary to facilitate implementation of cluster systems. Such modifications may include, but are not limited to: (i) incorporating defined time frames for milestones in project schedules; (ii) indicating that a consultant may recommend a more cost-effective solution when a cluster system is not the most cost-effective wastewater solution; (iii) clarifying that where a sewer extension to a WWTP is the most cost-effective solution, the City would provide funding to ensure that operation and maintenance (O&M) costs are comparable to O&M costs under the New Infrastructure and Community Wastewater Management Programs; and (iv) identifying eligible operation and maintenance costs of cluster systems.

¹ 40 CFR §141.71 and §141.72. The determination is also made under the Interim Enhanced Surface Water Treatment Rule, 40 CFR §141.171.

² 10 NYCRR § 5-1.30(c).

The additional funding and potential clarification of existing program rules serve to enhance participation of small businesses in the program. As part of DEP's continued administration and management of the existing Small Business Septic System Program, these activities are classified as Type II actions (6 NYCRR § 617.5(c)(20)).

Community Wastewater Management Program: DEP would fund the design and construction of a community wastewater system for the Hamlet of Shokan. Continued management and administration of the Community Wastewater Management Program is a Type II action under 6 NYCRR § 617.5(c)(20). Conducting preliminary planning, environmental and engineering studies for the facility are also Type II actions under 6 NYCRR § 617.5(c)(21); however, as discussed in the December 2016 Environmental Assessment, implementation of any new system would be subject to a subsequent site-specific environmental review. DEP would review the site-specific environmental assessments prior to approving funding for the new facility.

Stormwater Program: DEP would make additional funding available to CWC to replenish the Future Stormwater Funds and to construct stormwater retrofit projects consistent with the Stormwater Retrofit Program Rules. As continued administration and management of an existing program, this activity is classified as a Type II action under 6 NYCRR § 617.5(c)(20).

Land Acquisition Program: DEP's Land Acquisition Program would continue to be conducted in accordance with the 2010 Water Supply Permit (WSP). DEP would continue to engage in discussion with stakeholders on comments the Town Level Assessment DEP prepared in April 2017. DEP would increase levels of funding to watershed municipalities to review updated Town Level Assessments. Review of Town Level Assessments is part of continuing DEP administration and management of a continuing program, which is a Type II action under 6 NYCRR § 617.5(c)(20).

DEP would also evaluate and report on the feasibility of these potential additional types of acquisitions: creation of a new program to protect transitioning farms (agricultural land that is at risk of foreclosure or farms with retiring farmers); expansion of the Streamside Acquisition Program (SAP) beyond the pilot program in the Schoharie Reservoir Basin; enhancement of riparian buffer protection efforts in the Kensico and EOH FAD Basins, including, but not limited to, establishing a riparian acquisition program for these basins. DEP would also participate in a workgroup to assess the feasibility of relocating development out of floodplains and the potential use of certain developable LAP-acquired lands with lower water quality protection value. DEP would also evaluate the Watershed Agricultural Council Forest Conservation Easement acquisition program, and make recommendations as to whether the program should be continued, modified, or terminated. Evaluation of new types of land acquisition is a preliminary planning process, which is also a Type II action under 6 NYCRR § 617.5(c)(21).

If after initial evaluation, DEP plans to implement any of these programs, a modification to the 2010 WSP and other instruments may be required. At that time, DEP would conduct an environmental analysis to support the proposed modifications. DEP would

also submit its application for a successor WSP and an environmental review would be conducted to support the successor program.

Stream Management Program: DEP would execute contracts or contract amendments with the Stream Management Program (SMP) partners to ensure continuity of funding sufficient to continue all SMP programs for the duration of the 2017 FAD..

In addition, DEP would make funding available to support a minimum of 50 projects generated by Local Flood Analysis (LFA) and provide funding for a pilot program to implement Conservation Reserve Enhancement Programs (CREP) on fallow agricultural lands in Delaware County. This pilot program would be administered by the Delaware County Soil and Water Conservation District (DCSWCD) and Watershed Agricultural Council (WAC).

DEP would participate in an NYSDEC workgroup to plan for in-stream and riparian emergency recovery activities that may become necessary following flooding events.

DEP's continued administration and management of the SMP is a Type II action under 6 NYCRR § 617.5 (c)(20). New projects undertaken by the SWCD or others may be subject to a subsequent site-specific environmental review. DEP will review site-specific environmental assessments, as needed, prior to release of construction funds.

East-of-Hudson Nonpoint Source Control: DEP would execute and register a contract or contract amendment with the East of Hudson (EOH) Watershed Corporation to support the design and construction of stormwater retrofits in the EOH FAD basins and in basins upstream and hydrologically connected to the Croton Falls Reservoir. DEP would work with the Environmental Facilities Corporation (EFC), or any other organization approved by NYSDOH, to develop and administer a new grant program for preliminary planning for community wastewater solutions in the EOH FAD basins and to expand the eligibility for the EOH Septic Repair Program (SRP) to septic systems located within basins upstream or hydrologically connected to Croton Falls Reservoir.

DEP's continued administration and management of the EOH Nonpoint Source Control Program is a Type II action under 6 NYCRR § 617.5(c)(20). Stormwater retrofits and repairs of existing septic systems conducted as part of this program are replacement, repair or rehabilitation in-kind and are classified as Type II actions under 6 NYCRR § 617.5(c)(2).

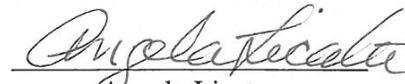
Statement of No Significant Adverse Impact

DEP has determined that, as proposed, the implementation of the City's 2017LTP is not anticipated to have any potential significant adverse impacts on the environment. The 2017 LTP will continue to provide water quality benefits by reducing pollutants entering the water supply through the remediation of existing water quality problems and the prevention of future water quality problems. DEP has seen and expects to continue to see an overall improvement in water quality throughout its water supply system.

Overall, the Program would also allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each watershed community and that there would be no potential for significant adverse cumulative environmental impacts. The above determination is based on an environmental assessment that finds that the action as proposed would not result in significant adverse impacts on the environment, and therefore preparation of an Environmental Impact Statement (EIS) is not required.

For further information, please contact:

Sangamithra Iyer
Director
Office of Water Supply Infrastructure and Watershed Assessment
NYC Department of Environmental Protection
59-17 Junction Boulevard, 11th Floor
Flushing, New York 11373
Phone: (718) 595-3585
Email: siyer@dep.nyc.gov



Angela Licata
Deputy Commissioner

cc:

Town Supervisors and Village Mayors within the Catskill, Delaware, and Croton Systems
Gale Brewer, Manhattan Borough President
Eric L. Adams, Brooklyn Borough President
Ruben Diaz, Jr., Bronx Borough President
Melinda Katz, Queens Borough President
James Oddo, Staten Island Borough President
Raju Mann, City Council
Michael McSweeney, City Clerk
Dean Frazier, Delaware County Department of Watershed Affairs
Eoin Wrafter, Dutchess County Planning and Development Department
Warren Hart, Greene County Department of Planning and Economic Development
Sandra Fusco, Putnam County Department of Planning/Development
Alicia Terry, Schoharie County Planning and Development Agency
Freda Eisenberg, Sullivan County Division of Planning and Environmental Management
Dennis Doyle, Ulster County Planning Department
Eileen Mildenerger, Westchester County Department of Planning
Craig Cashman, Watershed Agricultural Council

Alan L. Rosa, Catskill Watershed Corporation
Larry Underwood, Delaware County Soil and Water Conservation District
Brian Scoralick, Dutchess County Soil and Water Conservation District
Jeff Flack, Greene County Soil and Water Conservation District
Lauri Taylor, Putnam County Soil and Water Conservation District
Peter Nichols, Schoharie County Soil and Water Conservation District
Brian Brustman, Sullivan County Soil and Water Conservation District
Gary Cappella, Ulster County Soil and Water Conservation District
Robert Doscher, Westchester County Soil and Water Conservation District
Mark Tuthill, Coalition of Watershed Towns
Lisa Melville, Watershed Protection and Partnership Council
Katie Lynch, USEPA Region 2
Patrick Palmer, NYSDOH
Thomas Snow, Jr., NYSDEC
Kenneth Kosinski, NYSDEC
Steven Zahn, NYSDEC Region 2
Kelly Turturro, NYSDEC Region 3
Keith Goertz, NYSDEC Region 4
Mike Dulong, Riverkeeper, Inc.
Eric Goldstein, NRDC
Rebecca J. Weber, NYPIRG
Susan Amron, NYC Corporation Counsel
Hilary Meltzer, NYC Corporation Counsel
Paul Rush, DEP
David Warne, DEP
John Schwartz, DEP
Kimberlee Kane, DEP
Robin Levine, DEP
Pinar Balci, DEP
Mark Page, Jr., DEP
Sangamithra Iyer, DEP
Susan Darling, DEP
Kathryn Kelly, DEP