

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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August 24, 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
X. Bronx River CSO, E. Submit Approvable Drainage Basin Specific LTCP for Bronx River

Dear Mr. Beckmann:

The New York State Department of Environmental Conservation (Department) acknowledges receipt of the Bronx River Long-Term Control Plan (LTCP) on June 30, 2015 from the New York City Department of Environmental Protection (City). The LTCP was submitted pursuant to the CSO Order, Appendix A, milestone X.E. The Department completed a detailed review of the LTCP and 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) **Westchester County Water Quality Data.** For all of the figures, such as Figures ES-3, ES-4, etc. that present the water quality monitoring data, include the data from sampling location BR-O as well to provide a better indication of the upstream water quality conditions.
- 2) **Sediment Removal.** The LTCP indicates that the City has conducted some sediment removal in the Bronx River watershed. However, this removal appears to be minimal. During construction of the Bronx River floatables project, significant amounts of sediments (>4ft) were found in the CSO-29A regulator and it is possible that similar conditions exist elsewhere in the sewershed. Thus, the Department encourages the City to expand their sewer investigation and cleaning efforts in this sewershed.
- 3) **Stormwater Pollutant Concentrations.** The LTCP states that stormwater water quality monitoring data collected in 2014 was used in conjunction with data from previous sampling events, including data from the early 1990s, to develop the stormwater pollutant concentrations. The Department supports these efforts to use more recent data for updating their models for the LTCPs, however, it is not clear the extent to which the new data will be used. For example, the fecal coliform data for the Bronx River obtained in 2014 indicate a geomean ranging from about 19,000 cfu/100 ml to 86,000 cfu/100 ml, yet the stormwater pollutant concentration for stormwater used in the LTCP model is 120,000 cfu/100 ml, which is notably higher than the recent data. In the interests of transparency, the City must update its 2005 technical memorandum related to stormwater pollutant concentrations and submit for review, so that the Department can better understand how the recent data is being utilized.
- 4) **Potential Illicit Discharges.** The LTCP states that stormwater outfall HP-608 had dry weather discharges (originating from Cope Lake) with somewhat elevated bacterial contamination which has the potential to impact the water quality of the lower freshwater section of the Bronx River. The Department requests that the City conduct additional site investigations, per its MS4 SPDES permit, Par iv.D.4, to determine if illicit discharges are contributing to the high pollutant concentrations.
- 5) **Floatables Control.** The LTCP does not provide much discussion on the levels of floatables that exist in the Bronx River at present. Although the City has constructed floatable control at three of the CSO outfalls on the waterbody, additional information from the floatables annual survey as well as the quantity of floatable removed from the boom and netting facilities could be used to determine if there continues to be a floatable problem in the Bronx River. Thus, the LTCP must expand on the floatables discussion.
- 6) **Green Infrastructure.** The discussion on GI appears to under-report the progress that OGI has made overall and in this specifically in this watershed. The LTCP must include an up-to-date look at contracts in place and future plans towards their goal of GI application.
- 7) **Dissolved Oxygen Standards.** In various sections of the LTCP, 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 must be revised to clarify they are not related to contact recreation.

8) **Typo.** The geomean values for fecal coliform for sampling locations BR-7 and BR-8 in Tables 6-5 and 6-13 appear to have been transposed.

9) **Evaluation of Alternatives**

- a) Page 8-14 refers to “rock” as a possible challenge for the construction of the hydraulic relief alternatives for CSO Outfalls HP-007 and HP-009, but especially for HP-007 given that the relief sewer would run under the I-95/Bronx River Parkway and be located up to 50 feet below the surface. Confirm if this rock is bedrock and if so, that the cost estimates account for removal of large amount of bedrock. Provide any depth to bedrock information that were used during design feasibility study.
- b) Confirm if there are any impacts to CSO outfalls in the Westchester Creek or Hutchinson River sewersheds due to the selected alternative for the Bronx River.
- c) The GI commitments were included in the “summary of recommendations” but not in the “Recommended LTCP Elements to meet water quality standards” Section 8.8. Please reconcile this inconsistency.
- d) Provide a table summarizing the uncertainties associated with each cost estimate (e.g. -50 percent / +100 percent for Class 5 estimates) for all retained alternatives.
- e) Include an estimate of site acquisition costs for each alternative if available.
- f) For Alternative 5, provide additional discussion on the concerns voiced by the public as well as the risks of storing chemicals and increase in heavy commercial traffic may be associated with this project. Also, describe any analysis or study the City has completed to evaluate potential impacts of disinfection on the oyster spat or bed.

10) **Schedule for Implementation.** The Department believes that the schedule for completing the design, including procurement can be reduced to less than 5.5 years. The current schedule indicates 4 years for design and permitting, which seems too much. Similar projects, such as the Bergen Basin parallel interceptor, only required 2.5 years for design completion.