

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance
625 Broadway, Albany, New York 12233-3506
P: (518) 402-8177 | F: (518) 402-8082
www.dec.ny.gov

March 7, 2017

SENT VIA EMAIL

Mr. Keith Mahoney, P.E.
Acting LTCP Program Manager
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
V. Flushing Bay CSO, M. Drainage Basin Specific LTCPs, 1. Submit Approvable Drainage
Basin Specific LTCP for Flushing Bay
DEPARTMENT APPROVAL

Dear Mr. Mahoney:

Pursuant to the referenced Order on Consent, the New York State Department of Environmental Conservation (Department) hereby approves the New York City Department of Environmental Protection's (City) December 2016 Flushing Bay Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP). Please find enclosed a stamped copy of the cover of the approved December 2016 Flushing Bay CSO LTCP.

On December 30, 2016 the City submitted the Flushing Bay CSO LTCP to the Department in accordance with the CSO Consent Order milestone Appendix V.M.1. The alternative selected in the December 2016 Flushing Bay CSO LTCP consists of a 25 million gallon CSO storage tunnel with dewatering pump station to capture overflows from CSO Outfalls BB-006 and BB-008, and convey those overflows to the Bowery Bay WPCP for treatment. The milestones for completion of the storage tunnel, based on the schedule shown in Figure 9-1 of the December 2016 Flushing Bay CSO LTCP, are set forth below. These milestones are hereby incorporated into the CSO Consent Order Appendix A:

Flushing Bay 25 MG CSO Storage Tunnel (1)	
Initiate Final Design	July 2021
Final Design Completion with CPM Analysis	June 2025
Notice to Proceed to Construction	July 2026
Construction Completion	June 2035

(1) Milestones dates maybe be subject to revision by the Department based on additional facility planning.

The Department acknowledges that a public meeting was held at the Al Oerter Recreation Center, 131-40 Fowler Avenue, Flushing, NY on September 30, 2015 to present background on the Flushing Bay CSO LTCP. A second public meeting was held on October 26, 2016 at the USTA Tennis Center, Flushing Meadow - Corona Park, Flushing, NY to present LTCP alternatives. A final public meeting will be held to present the selected alternative. A Responsiveness Summary will be prepared by the City and appended to the approved Flushing Creek CSO LTCP in the appendices. The Post-Construction Compliance Monitoring Plan (PCMP) specified in Section 9.5 of the approved December 2016 Flushing Bay CSO LTCP will be subject to further review as the construction projects proceed towards completion.

Twelve (12) months prior to the start-up of the CSO storage tunnel, the City shall submit to the Department's Division of Environmental Permits a SPDES permit modification to the Bowery Bay WPCP, pursuant to 6NYCRR Part 750, to operate the CSO storage tunnel. The application shall also include a wet weather operating plan for the operation of the new CSO storage tunnel. These operating procedures will become the enforceable SPDES permit requirements and will assure that the quality of the receiving water is being protected.

Upon receipt of the application, the Department will propose a modification of the SPDES permit for the Bowery Bay WPCP for public notice as soon as possible to require monitoring and reporting of the measurable operations at the CSO storage tunnel to ensure that the facility operates in accordance with the design approved by the Department and permit requirements. The SPDES permit will also incorporate a final Post Construction Monitoring Plan (PCM) for Flushing Bay. The final PCM requirements will become effective upon start-up of the storage tunnel. Monitoring results will be reviewed by the Department to determine whether the completed facility is achieving a level of water quality that is protective of the highest attainable use of Flushing Bay. Consistent with EPA CSO Policy, the SPDES permit will require the City to evaluate the efficacy of the CSO program at the 5-year interval to assess performance of the approved CSO controls and whether water quality objectives have been achieved. The Department may determine that additional CSO controls are necessary.

If you have any questions regarding this letter, please contact Mr. Gary E. Kline, P.E., Section Chief, Municipal Compliance Section at 518-402-9655 or gary.kline@dec.ny.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Joseph DiMura', with a stylized, flowing script.

Joseph DiMura, P.E.
Director, Bureau of Water Compliance
Division of Water

cc: All sent via email
G. Kline, P.E.
M. Klotz, P.E.
S. Crisafulli, Esq.
D. Putnick, Esq.
M. VonWergers, Esq.
C. Smith
S. Mitchell, P.E.
L. Allen, P.E.
P. Kenline
S. Zahn
R. Elburn, P.E.
S. Southwell, P.E.
K. Penner, P.E.
D. McKenna, P.E.
J. Gratz
S. Stephansen
W. Plache, Esq.
H. Donnelly, Esq.
A. Licata
J. Mueller, P.E.
K. Mahoney, P.E.
P. Elardo, P.E.
L. Grieco, P.E.
N. Cholewka, P.E.



Capital Project No. WP-169
Long Term Control Plan II

Combined Sewer Overflow Long Term Control Plan for Flushing Bay

December 2016



Keith Mahoney, P.E.
NY License No. 074169

The City of New York
Department of Environmental Protection
Bureau of Wastewater Treatment

Prepared by: AECOM USA, Inc.

New York State Department of Environmental Conservation
This report for APPENDIX A, V.M.I. SUBMIT
APPROVABLE DRAINAGE BASIN SPECIFIC
LTCP FOR FLUSHING BAY
is hereby approved subject to the provisions of the
Environmental Conservation Law and Order on consent
(CSO Order) DEC Case # CO2 - 20000107-8
Date March 7, 2017 By: Joseph H. Mahoney P.E.
New York State Commissioner of
Environmental Conservation
Designated Representative
Recommended by: Keith Mahoney P.E.