

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

July 10, 2023

SENT VIA EMAIL

Mr. Keith Mahoney, P.E.
Acting LTCP Program Manager
Office of the Agency Chief Engineer
New York City Department of Environmental Protection
57-19 Junction Blvd
Corona, NY 11373

Re: Order on Consent (CSO Order), DEC Case #CO2-20000107-8, as amended
XIII. City-Wide LTCP, A. Submit Approvable City-Wide LTCP
DEPARTMENT APPROVAL

Dear Mr. Mahoney:

Pursuant to the referenced Order on Consent, the New York City Department of Environmental Protection (City) submitted, on September 30, 2020, the 2020 Citywide/Open Waters Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) to the New York State Department of Environmental Conservation (Department) in accordance with the milestone set forth in Appendix A, XIII.A of the CSO Order.

The Department provided formal written comments on the LTCP in a letter dated March 9, 2021. During various technical meetings in 2021 and 2022, the City presented technical analyses and information in response to those comments. On April 11, 2023, the City formally submitted the LTCP Supplemental Documentation, which included written responses to all of the Department's comments and incorporated changes to the LTCP. The Department provided additional comments on the LTCP Supplemental Documentation on April 21, 2023 and June 21, 2023 via email, and the City submitted a revised LTCP Supplemental Documentation to address those additional comments on July 7, 2023.

The Department hereby approves the September 2020 Citywide/Open Waters CSO LTCP, which includes the LTCP submittal that was received on September 30, 2020, along with changes to the LTCP as incorporated into the LTCP Supplemental Documentation that was submitted on July 7, 2023. Please find enclosed a stamped copy of the covers of the approved September 2020 Citywide/Open Waters CSO LTCP and July 2023 LTCP Supplemental Documentation.

The alternative selected in the September 2020 Citywide/Open Waters CSO LTCP and July 2023 LTCP Supplemental Documentation consists of: 1) optimization or modification of various regulators in the North River, Owls Head, Red Hook, and Tallman Island Wastewater Resource Recovery Facilities' (WRRF) sewersheds, and 2) installation of a bypass at the Hannah Street pump station in the Port Richmond WRRF sewershed. The milestones for the projects are set forth below and are hereby incorporated into the CSO Consent Order Appendix A, XIII. Citywide LTCP.

B. Optimization and/or Modification of Regulators for CSO Outfalls NR-040, NR-038, NR-046, RH-005, RH-014, TI-003, TI-023, and OH-015¹	Milestone
1. Initiate Final Design	July 2025
2. Final Design Completion with CPM Analysis	July 2028
3. Notice to Proceed to Construction	January 2030
4. Construction Completion	January 2033

1. Per the July 2023 LTCP Supplemental Documentation, Table 8.8-1, the optimizations or modifications to be completed shall include: increased orifice sizes for regulators NR-26A, NR-28, and NR-029A, increased orifice size and enlargement of branch interceptor downstream of regulator TI-10B, bending weir for regulator TI-13, weir modification for regulator RH-20A, weir modification, increased orifice size, and enlarging branch interceptor connection at regulator RH-13, and automated control gate for regulator OH-9C.

C. Installation of Hannah Street Pump Station Bypass	Milestone
1. Initiate Final Design	July 2025
2. Final Design Completion with CPM Analysis	July 2028
3. Notice to Proceed to Construction	January 2030
4. Construction Completion	January 2033

Public meetings were held at Manhattan College in the Bronx on January 31, 2018, St. John University in Staten Island on March 27, 2018, Newtown Creek WRRF Visitor Center in Queens on May 10, 2018, CUNY School of Law in Queens on April 16, 2019, Van Cortlandt Park in the Bronx on October 2, 2019, CUNY School of Law in Queens on October 15, 2019, and CUNY School of Law in Queens on January 29, 2020. Summaries of comments received and responses for the meetings are available on the City website and are appended to the approved Citywide/Open Waters CSO LTCP.

Twelve (12) months prior to the start-up of any new or modified waste disposal system or service area generating wastewater associated with the aforementioned projects that requires a State Pollution Discharge Elimination Systems (SPDES) permit modification per 6 NYCRR 750-2.10, the City shall submit to the Department's Division of Environmental Permits a SPDES permit modification to operate these facilities. The application shall also include an approvable update to the wet weather operating plan. 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 relevant WRRF for public notice as soon as possible to require monitoring and reporting of the measurable operations at the WRRF to ensure that the facilities operate in accordance with the design approved by the Department and permit requirements.

The SPDES permit will also incorporate a final Post-Construction Compliance Monitoring (PCCM) Plan for all the waterbodies covered under the Citywide/Open Waters LTCP, including the Hudson River, Harlem River, East River, Long Island Sound, New York Bay (upper and lower), Arthur Kill, and Kill van Kull. All monitoring results will be reviewed by the Department to determine whether completed facilities are achieving a level of water quality that is protective of the highest attainable use of aforementioned waterbodies. 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.

Upon approval of the Citywide/Open Water CSO LTCP, the City has fulfilled requirements under the CSO BMP Order (DEC Case No. R2-20140203-112), Appendix B., Paragraphs 5.b and 5.c to complete engineering analyses of regulators to identify or eliminate CSO discharges outside of the period of a critical wet weather event. All other requirements of the CSO BMP Order have been fulfilled and as such, the City may now formally certify completion of all obligations pursuant to Paragraph XI of the CSO BMP Order to terminate the Order. The certification should be submitted to Antonia Pereira in the Department's Region 2, Office of General Counsel.

If you have any questions regarding this letter, please contact the undersigned at ryan.waldron@dec.ny.gov or 518-402-8244.

Sincerely,



Ryan Waldron, P.E.
Chief, Metropolitan Compliance Section
Division of Water

cc: All sent via email
C. Lamb-Lafay, P.E.
S. Crisafulli, Esq.
D. Putnick, Esq.
E. Hampston, P.E.
L. Allen, P.E.
S. Wood
P. Buist
A. Pereira, Esq.
S. Southwell, P.E.
D. Flannery

H. Nelson, P.E.
J. Amos
S. Stephansen

W. Plache, Esq.
D. Goodrich, Esq.
M. Eckels, Esq.
M. Ruderman, Esq.
P. O'Connor, P.E.
G. Mayes, P.E.
H. Chanilal, P.E.
A. DeLillo, P.E.
J. Hoffman, P.E.
K. Esposito
L. D'Orsa
P. Balci
K. Moriarty, P.E.



Capital Project No. WP-169
Long Term Control Planning III

Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters

September 2020



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

The City of New York
Department of Environmental Protection
Office of the Agency Chief Engineer

New York State Department of Environmental Conservation

This report for

APPENDIX A, XIII, CITYWIDE LTCP A
SUBMIT APPROVABLE CITYWIDE LTCP

is hereby approved subject to the provisions of the

Environmental Conservation Law and Order on consent

(CSO Order) DEC Case # CO2 - 20000107-9

Date July 10, 2023, By: [Signature] P.E.

New York State Commissioner of

Environmental Conservation

Designated Representative

Recommended by: [Signature]



Capital Project No. WP-169
Long Term Control Planning III

Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters Appendix D Supplemental Documentation

July 2023



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

The City of New York
Department of Environmental Protection
Office of the Agency Chief Engineer

New York State Department of Environmental Conservation

This report for
**APPENDIX A XIII. CITYWIDE LTCP. A.
SUBMIT APPROVABLE CITYWIDE LTCP**
is hereby approved subject to the provisions of the
Environmental Conservation Law and Order on consent
(CSO Order) DEC Case # CO2 - 20000107-9
Date **JULY 10, 2023** By: *[Signature]* P.E.
New York State Commissioner of
Environmental Conservation
Designated Representative
[Signature]
Recommended by: