

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance  
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August 1, 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  
IX. Westchester Creek CSO, G. Submit Approvable Drainage Basin Specific LTCP for Westchester Creek

Dear Mr. Mahoney:

Pursuant to the referenced CSO Order, the New York State Department of Environmental Conservation (Department) hereby approves the New York City Department of Environmental Protection’s (City) June 2014 Westchester Creek Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), together with the April 2015 Westchester Creek LTCP Supplemental Report.

On June 30, 2014, the City submitted the Westchester Creek LTCP to the Department in accordance with the CSO Consent Order milestone Appendix IX.G. The Department provided comments on the submittal in a letter dated September 22, 2014 and the City submitted responses to comments on November 24, 2014. The Department provided additional comments in a letter dated January 14, 2015 and the City submitted responses to comments on January 26, 2015 and February 27, 2015.

The City submitted the Westchester Creek Supplemental LTCP on April 1, 2015 and the Department provided final comments on the LTCP and Supplemental LTCP on June 6, 2017. The City submitted responses to these comments on July 11, 2017. The April 2015 Westchester Creek LTCP Supplemental was incorporated by reference into the June 2014 Westchester Creek LTCP and comprises the complete LTCP for Westchester Creek.

According to the Westchester Creek LTCP, the waterbody will attain the primary contact recreation standard of 200 cfu/100 ml fecal coliform 92 percent of the time on an annual basis and 100 percent of the time during the recreational season. The Class I dissolved oxygen standard will be met a projected 80 percent of the time on an annual basis at the head end of the waterbody and at least 97 percent of the time for the waterbody. Given the projected levels of attainment, the LTCP proposes no further action to address CSO impacts to Westchester Creek.

The Department acknowledges that a public meeting was held at the Henry Hudson School, 1111 Pugsley Avenue, Bronx, NY on February 27, 2014 to present background on the Westchester Creek LTCP. A second public meeting was held on May 7, 2014 at the Herbert H. Lehman High School, Bronx, NY to present LTCP alternatives and a final public meeting was held on September 16, 2015 at PS71 Rose E Scala School, Bronx, NY to present the selected alternative. A Responsiveness Summary has been prepared by the City and will be appended to the approved Westchester Creek LTCP in Appendices.

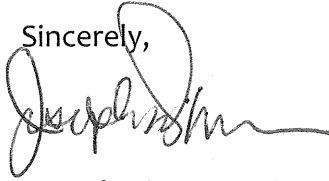
Pursuant to Section 9.5 of the approved June 2014 Westchester Creek LTCP, the City shall develop and submit to the Department for approval a Post-Construction Compliance Monitoring Plan (PCMP). The PCMP shall be submitted 12-months prior to completion of the existing CSO Order projects for Westchester Creek, which include raising the weir height at Regulators CSO-29 and CSO-29A and construction of a parallel interceptor at Pugsley Creek. These projects were approved by the Department under the June 2011 Westchester Creek Waterbody / Watershed Facility Plan on May 4, 2012. These projects will reduce CSO to Westchester Creek and will be completed by June 2020.

The post-construction monitoring should be of sufficient scope to validate the modeling projections presented in the LTCP. The final PCM requirements will become effective upon completion of the CSO Order projects for Westchester Creek. Monitoring results will be reviewed by the Department to determine whether the completed projects are achieving a level of water quality that is protective of the highest attainable use of Westchester Creek.

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](mailto:gary.kline@dec.ny.gov).

Sincerely,



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

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