

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance
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January 31, 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 modified
Appendix A, XII. Jamaica Bay CSO, D. Submit Approvable Drainage Basin
Specific LTCP for Jamaica Bay / Tributaries
DEPARTMENT APPROVAL

Dear Mr. Mahoney:

Pursuant to the referenced Order on Consent, the New York City Department of Environmental Protection (City) submitted, on July 2, 2018, the June 2018 Jamaica Bay and Tributaries 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, XII.D of the CSO Consent Order.

The Department provided comments on the LTCP several times via letter or email, including on December 21, 2018, May 1, 2019, September 11, 2019, September 16, 2019, October 11, 2019, November 19, 2019, November 20, 2019, June 6, 2021, November 10, 2022, December 20, 2022, December 22, 2022, and January 19, 2023. The Department also provided comments verbally during numerous meetings since the LTCP was submitted. The City provided written responses to the Department's comments on March 1, 2019, and submitted a Supplemental Documentation on August 14, 2019, which formally incorporated changes to the LTCP. The Supplemental Documentation was subsequently revised and resubmitted on October 11, 2022, December 16, 2022, and January 27, 2023 in response to the Department's additional comments.

The Department hereby approves the June 2018 Jamaica Bay and Tributaries CSO LTCP, which includes the LTCP submittal received on July 2, 2018, along with changes to the LTCP as incorporated into the Supplemental Documentation, last updated on January 27, 2023. Please find enclosed a stamped copy of the covers of the approved June 2018 Jamaica Bay and Tributaries CSO LTCP and January 2023 LTCP Supplemental Documentation.

The alternative selected in the June 2018 Jamaica Bay and Tributaries CSO LTCP and January 2023 Supplemental Documentation consists of: 1) dredging of the headend of Bergen Basin, 2) installation of ribbed mussel beds in Bergen Basin and Thurston Basin to reduce ambient pathogen concentrations in the waterbodies by a minimum of 10%, 3) restoration or construction of a minimum of 50 acres of wetlands and marsh islands in Jamaica Bay or its tributaries, with the potential to restore up to 186.6 acres with cost sharing with the U.S. Army Corps of Engineers (USACE), and 4) construction of six (6) state of good repair projects. The milestones for the projects are set forth below and are hereby incorporated into the CSO Consent Order Appendix A, XII. Jamaica Bay CSO, and Appendix C, State of Good Repair Projects:

Appendix A, XII. Jamaica Bay CSO:

E. Dredging of Bergin Basin	Milestone
1. Initiate Final Design	July 2025
2. Final Design Completion with CPM Analysis	January 2027
3. Notice to Proceed to Construction	July 2028
4. Construction Completion	January 2031

F. Installation of Ribbed Mussels in Bergen Basin and Thurston Basin	Milestone
1. Thurston Basin	
a. Initiate Final Design	January 2025
b. Final Design Completion with CPM Analysis	January 2027
c. Notice to Proceed to Construction	July 2028
d. Submit Approvable Maintenance Plan	January 2031
e. Construction Completion	July 2031
2. Bergen Basin	
a. Initiate Final Design	July 2029
b. Final Design Completion with CPM Analysis	July 2031
c. Notice to Proceed to Construction	January 2033
d. Submit Approvable Maintenance Plan	July 2035
e. Construction Completion	January 2036

G. Jamaica Bay and Tributaries Wetlands and Marsh Island Restoration	Milestone
1. Construction Completion ¹ of 25 Equivalent Acres of Wetlands Restoration Projects funded by DEP	December 2030 ²
2. Submit Interim Review and Approvable Contingency Plan ³	June 2036
3. Construction Completion ⁴ of 50 Equivalent Acres of Wetlands Restoration Projects funded by DEP	December 2040

1. Construction Completion for this milestone shall be determined by the Wetlands Restoration Projects that have been constructed, are currently under construction or will be constructed under a contract that has been issued a notice to proceed to construction (or USACE equivalent).
2. An Approvable Contingency Plan shall be submitted by the City by June 2031 if Appendix A milestone XII.G.1 is not met. The Contingency Plan shall include a schedule for completion of Wetlands Restoration Projects to ensure achievement of Appendix A milestone XII.G.3.

3. An Approvable Contingency Plan shall be submitted by the City if the Interim Review determines that a minimum of 50 equivalent acres of Wetlands Restoration Projects will not be completed by December 2040.
4. Construction Completion is defined under the CSO Order, Paragraph III.H.

Appendix C

I. State of Good Repair Projects	Milestone
G. Reconstruct tide gates/effluent chambers at the Spring Creek CSO Retention Facility	
1. Submit Basis of Design Report ¹	September 30, 2022
2. Initiate Final Design	n/a
3. Final Design Completion with CPM Analysis	October 13, 2017
4. Notice to Proceed to Construction	May 14, 2021
5. Construction Completion	March 2024
H. Replace main sewage pumps at the Rockaway WRRF	
1. Submit Basis of Design Report ¹	June 2025
2. Initiate Final Design	TBD
3. Final Design Completion with CPM Analysis	TBD
4. Notice to Proceed to Construction	TBD
5. Construction Completion	TBD
I. Reconstruct fender and bulkhead at the Rockaway WRRF	
1. Submit Basis of Design Report ¹	December 2026
2. Initiate Final Design	TBD
3. Final Design Completion with CPM Analysis	TBD
4. Notice to Proceed to Construction	TBD
5. Construction Completion	TBD
J. Reconstruct heating system and greenhouse gas reduction at the Coney Island WRRF	
1. Submit Basis of Design Report ¹	December 2026
2. Initiate Final Design	TBD
3. Final Design Completion with CPM Analysis	TBD
4. Notice to Proceed to Construction	TBD
5. Construction Completion	TBD
K. Install 13 new centrifuges at the 26 th Ward WRRF	
1. Submit Basis of Design Report ¹	December 2026
2. Initiate Final Design	TBD
3. Final Design Completion with CPM Analysis	TBD
4. Notice to Proceed to Construction	TBD
5. Construction Completion	TBD
L. Reconstruct power distribution equipment at the Rockaway WRRF	
1. Submit Basis of Design Report ¹	December 2025
2. Initiate Final Design	TBD
3. Final Design Completion with CPM Analysis	TBD
4. Notice to Proceed to Construction	TBD
5. Construction Completion	TBD

1. The Basis of Design Reports are approvable documents, per the definition in NYCRR Section 750-1.2(8).

A public meeting was held at the Jamaica Chamber of Commerce Center in Queens, NY on September 22, 2016 to present background on the Jamaica Bay and Tributaries CSO LTCP. A second public meeting was held at the Jamaica Bay Wildlife Visitor Center in Queens, NY on October 19, 2017 to present a status update on the LTCP development. A third public meeting was held on April 18, 2018 at the Jamaica Bay Wildlife Refuge Visitor Center to present LTCP alternatives and recommended plan. Summaries of comments received and responses for the first, second, and third meetings are available on the City [website](#) and are appended to the approved Jamaica Bay and Tributaries CSO LTCP.

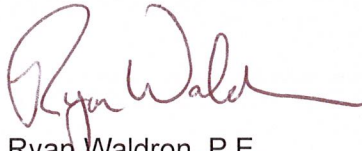
Twelve (12) months prior to the start-up of any new or modified waste disposal system or service area generating wastewater associated with the aforementioned projects that requires a SPDES permit modification per 6 NYCRR 750-2.10, the City shall submit to the Department's Division of Environmental Permits 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 Monitoring Plan (PCMP) for Jamaica Bay and its tributaries. The City should already be conducting post-construction monitoring for Jamaica Bay, Paerdegat Basin, Fresh Creek, Spring Creek, and Hendrix Creek where no further CSO mitigation projects are planned under the Jamaica Bay and Tributaries CSO LTCP. The final PCMP requirements will be effective upon completion of the ribbed mussel installation for Bergen Basin and Thurston Basin under the LTCP. 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 Jamaica Bay and its tributaries. 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.

The performance gap analysis presented in the Chapter 6 of the LTCP determined that MS4 stormwater discharges are a major contributor to nonattainment with the primary contact fecal coliform water quality standard for Thurston Basin and Bergen Basin. Complete elimination of CSOs will not result in full attainment with the water quality standard, thus reduction of pathogen load from the MS4 discharges is required. Per the City's MS4 SPDES permit, paragraph II.B.2, when the "MS4 is expected to be a significant contributor to the impairment identified in the CSO LTCP", within two years of approval of the LTCP, the City shall identify priority source categories for pollutants of concern and take further action, per the SPDES permit. These MS4 SPDES permit requirements, and all other applicable requirements, hereby apply to Thurston Basin and Bergen Basin.

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

Combined Sewer Overflow Long Term Control Plan for Jamaica Bay and Tributaries

June 2018



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

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

New York State Department of Environmental Conservation
This report for CSO ORDER APPENDIX A, XLII, D
SUBMIT APPROVABLE DRAINAGE BASIN
SPECIFIC LTCP FOR JAMAICA BAY / TRIBS
is hereby approved subject to the provisions of the
Environmental Conservation Law and Order on consent
(CSO Order) DEC Case # CO2 - 20000107-8.
Date 1/31/23 By: *[Signature]* P.E.
New York State Commissioner of
Environmental Conservation
Designated Representative
Recommended by: *[Signature]*

Prepared by: AECOM USA, Inc.



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

Combined Sewer Overflow Long Term Control Plan for Jamaica Bay and Tributaries

Appendix G: Supplemental Documentation August 14, 2019

New York State Department of Environmental Conservation

This report for CSO ORDER APPENDIX A XII.D
SUBMIT APPROVABLE DRAINAGE BASIN
SPECIFIC LTR FOR JAMAICA BAY/TRIBS

is hereby approved subject to the provisions of the
Environmental Conservation Law and Order on consent
(CSO Order) DEC Case # CO2 - 20000107-8.

Date 1/31/23 By: *[Signature]* P.E.

New York State Commissioner of

Environmental Conservation

Designated Representative

Recommended by: *[Signature]*



[Signature]

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

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

Updated October 7, 2022
Updated December 16, 2022
Updated January 27, 2023

Prepared by: AECOM USA, Inc.