

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 Creek CSO, M. Drainage Basin Specific LTCPs, 2. Submit Approvable Drainage Basin Specific LTCP for Flushing Creek
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 2014 Flushing Creek Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), together with the May 2015 and September 2015 Flushing Creek LTCP Supplemental Documentation. Please find enclosed a stamped copy of the cover of the approved December 2014 Flushing Creek CSO LTCP.

On December 30, 2014 the City submitted the Flushing Creek CSO LTCP to the Department in accordance with the CSO Consent Order milestone Appendix V.M.2. The Department provided comments on the submittal in a letter dated March 23, 2015 and the City submitted responses to the comments on May 22, 2015 in LTCP Supplemental Documentation. The Department provided final comments on the LTCP and LTCP Supplemental Documentation in a letter dated June 10, 2015. The City submitted responses to the comments and revisions to specific sections of the LTCP Supplemental Documentation on August 7, 2015. The May 2015 and August 2015 Flushing Creek LTCP Supplemental Documentation are incorporated by reference into the December 2014 Flushing Creek CSO LTCP and comprises the complete LTCP for Flushing Creek.

The alternative selected in the December 2014 Flushing Creek CSO LTCP consists of disinfection systems for overflow at the Flushing CSO Retention Tank and Diversion Chamber 5 for CSO Outfall TI-010 and at Regulator TI-R09 for CSO Outfall TI-011. The selected alternative also includes floatables control consisting of underflow baffles at Diversion Chamber 3 and Regulator TI-R09. The disinfection systems are to be operated during the recreational season (May 1 to October 31) to achieve a minimum of a 2-log reduction of bacteria while minimizing total chlorine residuals to near non-detect levels, with dechlorination to minimize the discharge of excess residual chlorine. The operation of the disinfection system shall result in an effluent concentration of total residual chlorine no greater than 0.1 mg/L.

The milestones for completion of the disinfection systems and floatables control, based on the schedule shown in Figure 9-1 of the May 2015 LTCP Supplemental, are set forth below. These milestones are hereby incorporated into the CSO Consent Order Appendix A:

TI-010 Outfall Disinfection at CSO Retention Tank and Diversion Chamber 5 and TI-011 Outfall Disinfection Floatables Control at TI-R09 and Division Chamber 3 (1)	
Initiate Final Design	September 2018
Final Design Completion with CPM Analysis	September 2022
Notice to Proceed to Construction	September 2023
Construction Completion	December 2025

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

The Department acknowledges that a public meeting was held at the P.S. 020 John Brown, 142-30 Barclay Avenue, Flushing, NY on June 11, 2014 to present background on the Flushing Creek CSO LTCP. A second public meeting was held on October 23, 2014 at the Al Oerter Recreation Center, 131-40 Fowler Avenue, Flushing, NY to present LTCP alternatives and a final public meeting was held on September 30, 2015 at the Al Oerter Recreation Center to present the selected alternative. A Responsiveness Summary has been prepared by the City and will be 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 2014 Flushing Creek 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 new disinfection facilities the City shall submit to the Department's Division of Environmental Permits a SPDES permit modification to the Tallman Island WPCP, pursuant to 6NYCRR Part 750, to operate the disinfection systems. The application shall also include an update to the wet weather operating plan for the Flushing Creek CSO retention facility. 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 Tallman Island WPCP for public notice as soon as possible to require monitoring and reporting of the measurable operations at the disinfection system 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 Creek. The final PCM requirements will become effective upon start-up of the disinfection systems. Monitoring results will be reviewed by the Department to determine whether the completed facilities are achieving a level of water quality that is protective of the highest attainable use of Flushing 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.

Sincerely,



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

cc: All sent via email
M .Klotz, P.E.
G. Kline, P.E.
S. Crisafulli, Esq.
D. Putnick, Esq.
M. VonWergers, Esq.
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 Creek December 2014

New York State Department of Environmental Conservation

This report for APPENDIX A, J.M.2. SUBMIT
APPROVABLE DRAINAGE BASIN SPECIFIC
LTCP FOR FLUSHING CREEK.

is hereby approved subject to the provisions of the

Environmental Conservation Law and Order on consent
(CSO Order) DEC Case # CO2 - 20008107-8.

Date March 7, 2017. By: [Signature] P.E.

New York State Commissioner of

Environmental Conservation

Designated Representative

Recommended by: [Signature]



Keith W. Beckmann, P.E.
NY License No. 066623

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

Prepared by: AECOM USA, Inc.