



Department of Health

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Executive Deputy Commissioner

February 1, 2019

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the 2017 FAD deliverables that were due October 31, 2018. Our comments are attached. We would appreciate if you could provide a reply to those comments by March 1, 2019.

Also submitted, under Section 4.2, was the Land Acquisition Program 2019-2020 Solicitation Plan for the Catskill/Delaware System. Comments on this deliverable will be sent under a separate cover letter.

Please feel free to contact me if you have any questions.

Sincerely,

Patrick M. Palmer
Chief, NYC Watershed Section
Bureau of Water Supply Protection

Att.

Cc (electronic):

L. Wilson
T. Hunt
K. Lynch – USEPA
S. Van Patten – NYSDEC

NYSDOH and USEPA Comments on FAD Deliverables due October 31, 2018

3.3 Community Wastewater Management Program

The 2017 FAD includes estimated deadlines for the completion certain milestones for Community Wastewater Management projects. The estimated due date for the completion of the design phase for the Claryville project was October 31, 2018. The City reports that the Catskill Watershed Corporation's consulting engineer for the project anticipates completing this phase in early 2019.

At the request of NYSDOH, the City provided a monthly update on the status of the New Kingston project until the study phase concludes. The City reported that a recommended project option was selected, and meetings were held with the Catskill Watershed Corporation and the Watershed Agricultural Council. NYSDOH notes that the City approved the block grant for this project on November 28, 2018 in the amount of \$5.2 million.

4.1 Waterfowl Management Program

As required by the 2017 FAD, the City submitted the annual report for the Waterfowl Management Program. We have the following comments:

- When reviewing the highest fecal coliform counts at Kensico Reservoir (pages 26 and 27), the sample result from DEL18DT on February 11, 2018 was 33 fecal coliform per 100 mL. The report states that "it was likely associated with a precipitation event as there was no spike in waterbird activity during that time. While we agree precipitation is a significant factor, Figure 10 does suggest elevated waterbird counts in Zone 4 in early February 2018.
- On page 41, the report states that there were six instances when fecal coliforms were above 20 per 100 mL in samples collected from West Branch Reservoir sampling site CWB1.5 from August 1, 2017 through July 31, 2018. The report goes on to state that it was determined there was no need to take action during the reporting period. Given that the primary trigger to implement "as needed" bird dispersal activities are fecal coliform concentrations, please explain what other criteria were used in making this determination (such as those described on pages 15-16).

4.2 Land Acquisition Program

As required by the 2017 FAD, the City submitted the Land Acquisition Program 2019-2020 Solicitation Plan for the Catskill/Delaware System. Comments on this deliverable will be submitted under separate cover.

4.6 Stream Management Program

As required by the 2017 FAD, the City held a field-based progress meeting with NYSDOH and USEPA. The meeting took place October 30, 2018, and included visits to project sites covered by the Rondout-Neversink Stream Program. These included the Mooney Reference Reach

Site, the future Clothes Pool Restoration Site, the Blue Hill Lodge site, and Denning Town Hall project.

4.11 Catskill Turbidity Control

As required by the 2017 FAD, the City convened an annual progress meeting to discuss the status of Catskill Turbidity Control measures. The meeting was held on October 3, 2018 with NYSDOH, USEPA, NYSDEC, and the Watershed Inspector General.

5.2 Multi-Tiered Water Quality Modeling Program

The 2017 FAD requires the City to hold an annual progress meeting to present and discuss modeling results. This meeting was held on October 10, 2018 with NYSDOH and USEPA.

6.1 WWTP Compliance and Inspection

As required by the 2017 FAD, semi-annual reports have been submitted on project activities and enforcement actions for the period April 1, 2018 through September 30, 2018. The reports provide valuable information about the implementation of NYC's Watershed Rules and Regulations, as well as a review of development activities within the watershed.

The following recommendations are offered and clarifications requested related to the deliverables:

Project Activities

- No comments.

Regulatory Enforcement Actions

- On page 27, the report describes Project 2003-CN-0722. This site has a DEP NOV for the use of an unapproved septic system. The description includes the following statement: "In order to generate additional income to potentially pay for the SSTS, the owner is considering creating a fenced pasture in the watercourse area for raising livestock such as hogs or goats." Please provide an update on this location.

As required by the 2017 FAD, the City submitted a semi-annual report on the progress of the proposed changes to the Watershed Regulations until adopted. On September 28, 2018, the proposed amendments were published in the City Record, commencing the City Administrative Procedure Act process. Four public hearings were also scheduled between October 30 and November 8, 2018, with the public comment period remaining open until November 23, 2018. The proposed amendments were submitted to NYSDOH, and were received on December 24, 2018.