

## Long Term Control Plan (LTCP) Alley Creek Public Meeting #2 – Summary of Meeting and Public Comments Received

On May 1, 2013, DEP hosted a second Public Meeting to continue the water quality planning process for long term control of combined sewer overflows (CSOs) in Alley Creek and Little Neck Bay. The purpose of the two-hour event, held at the Alley Pond Environmental Center in Queens, was to provide background and an overview of the LTCP planning process, present Alley Creek watershed characteristics and status of existing water quality conditions, obtain public input on waterbody uses in Alley Creek/Little Neck Bay, and describe the alternatives identification and selection process. The presentation is on DEP's LTCP Program Website: <http://www.nyc.gov/dep/ltcp>. Ten stakeholders from more than five different non-profit, community planning, environmental, economic development, governmental organizations and the broader public attended the event.

The Alley Creek LTCP Public Meeting #2 was the second opportunity for public participation in the LTCP development process for Alley Creek/Little Neck Bay. As part of DEP's LTCP Public Participation Plan, all Alley Creek/Little Neck Bay LTCP development process documents will be posted on the above website. The public will have additional opportunities to provide feedback and participate in the development of this LTCP. Specific questions asked during the meeting and DEP's responses are summarized below.

- What is the overall goal for water quality in Alley Creek/Little Neck Bay?
  - *The goal of each LTCP is to identify appropriate CSO controls necessary to achieve waterbody-specific water quality standards, consistent with the Federal CSO Policy and water quality goals of the Clean Water Act. Specific water quality goals for all individual LTCPs are subject to public input and evaluation or potential alternatives during the LTCP development process.*
- Will the draft LTCP, to be issued in June 2013, be available for public comment?
  - *Yes, all stakeholders will have the opportunity to review and comment on the draft LTCP. DEP will submit the draft LTCP to DEC on June 30, 2013, at which time DEC will review and determine a date for public release and comment.*
- Regarding the graphs in the presentation, what are the modeled lines colored red and black and is the scale logarithmic?
  - *The red lines are model predictions at the top portion of water quality model segments. Each water quality model cell has ten layers from top to bottom. The black represent bottom depth predictions. Yes, the scale is logarithmic.*
- What are the acceptable levels of enterococci and fecal coliform in Alley Creek/Little Neck Bay?
  - *The fecal coliform monthly geometric mean standard is 200 per 100mL for Class SB (Little Neck Bay) and 2,000 per 100 mL for Class I (Alley Creek). The enterococci standard is 435 per 100 mL for Class SB (Little Neck Bay) and is not listed for Class I waterbodies (Alley Creek).*
- Do the values of enterococci go up to 1,000 per 100 mL? Are the enterococci measured data typically below model predications?

- *The enterococci values do approach 1,000 per 100 mL. However, data are variable: sometimes model results are higher and sometimes lower. In general, the model results generally follow the trends in the data.*
- Based on the bar graphs of pollutant loadings in the presentation, are the largest loads to Alley Creek/Little Neck Bay from non-CSO sources?
  - *Yes, according to the data, stormwater appears to be the source of large pollutant loadings into Alley Creek and Little Neck Bay.*
- Is the bacteria measured in Little Neck Bay resulting from impacts of unsewered areas of Douglas Manor?
  - *No, based on the data, the water quality impacts from Douglas Manor appear to be localized.*
- Is DEP collaborating with Nassau County on reducing storm water pollution load?
  - *DEP anticipates future collaboration with Nassau County during the Municipal Separate Storm Sewer System (MS4) Citywide Permit development and implementation process.*
- What is grey infrastructure?
  - *Grey infrastructure typically denotes large-scale, centralized end-of-pipe controls such as retention tanks or sewer modifications. Examples include: bending weirs, CSO retention tanks and high level storm sewer separation.*
- What is the difference between detention and retention?
  - *Detained stormwater flows are captured, stored and then slowly released to the sewer system. Retained stormwater flows are captured and either infiltrate into the ground, undergo evapotranspiration, or are recycled onsite, and are not released to the sewer system.*
- In the *NYC Green Infrastructure Plan*, a three percent application rate (on private property) is assumed to occur by 2040. What is the basis of this?
  - *DEP estimates that through redevelopment and required adherence to DEP's revised Standards for Stormwater Release Rates, which requires redevelopment and new development projects to achieve a more stringent stormwater release rate in combined sewer areas, that green infrastructure will be implemented on private property. This percentage was developed based on redevelopment project applications received by the New York City Department of Buildings (DOB) over the last 10 years. In addition, DEP offers grants through the NYC Green Infrastructure Grant Program for private and residential properties in combined sewer areas.*
- Why is there not more green infrastructure planned in Alley Creek/Little Neck Bay?
  - *A 10 percent green infrastructure application alternative is being evaluated for the Alley Creek/Little Neck Bay LTCP, based on DEP's target of 10 percent green infrastructure application rate citywide (that is, 10% of the impervious combined sewer area) in combined sewer areas. A 50 percent green infrastructure application alternative (of the impervious combined sewer area) is also being evaluated.*
- The potential project footprint for the 29.5 million gallon CSO retention tank draft alternative would be large. Can DEP consider non-structural alternatives and green infrastructure solutions instead of grey infrastructure alternatives?

- *As discussed during the presentation, the goal of each LTCP is to identify appropriate CSO controls necessary to achieve waterbody-specific water quality standards, consistent with the Federal CSO Policy and water quality goals of the Clean Water Act. Therefore, DEP is required to evaluate a myriad of potential alternatives, which will include green infrastructure, during the alternatives analysis component of the LTCP development process. The alternatives analysis is utilized to gauge potential CSO reductions and associated water quality improvements and does not take into account constructability.*
- Regarding the draft alternatives, what is the difference between an “upstream” and “downstream” tank?
  - *An upstream tank would capture flows at the upstream combined sewer area. A downstream tank would capture flows near the combined sewer outfall. The downstream tank would need to be larger to achieve the same amount of combined sewer flow reduction since there is more stormwater mixed in.*
- Has the existing five million gallon Alley Creek CSO retention tank resulted in water quality improvements?
  - *Based on initial assessments, the CSO retention tank has contributed to water quality improvements. DEP will continue to assess and quantify water quality improvements.*
- Can the LTCP requirements be modified so that the plan addresses other sources as well as CSOs?
  - *The purpose and scope of all LTCPs, including the Alley Creek/Little Neck Bay LTCP where stormwater is the largest source of watershed pollutants, is to address CSOs in combined sewer areas and not other sources of water quality impairments (e.g., directly discharged stormwater inputs in separately sewered areas). The forthcoming MS4 Citywide Permit will include requirements related to stormwater inputs from separately-sewered drainage areas.*
- The focus of this LTCP should be changed to reducing storm sewer runoff into marsh land and improving habitat, and overall emphasis should be on ecology, rather than recreation.
  - *Each LTCP is a comprehensive evaluation of long term solutions to reduce CSOs and improve water quality in New York City’s waterbodies and waterways and does not focus on reducing storm sewer runoff. Improved or increased recreation is one of the main considerations required for each LTCP. Regarding enhanced ecology, in 2011, DEP completed a \$20 million environmental restoration of the northern portion of Alley Pond Park in Bayside, Queens. DEP constructed eight acres of tidal wetlands and eight acres of native coastal grassland and shrubland habitat in an effort to reduce CSOs in Alley Creek and Little Neck Bay. The new plantings and restored wetlands absorb stormwater runoff, reducing the amount that enters and overwhelms the combined sewer system during wet weather events.*
- DEP should consider acquiring property as a means of water quality protection.
  - *In order to control significant amounts of stormwater and to achieve potential water quality improvements equivalent to potential improvements from grey and/or green infrastructure, DEP would need to acquire numerous larger properties, which may be infeasible considering the built-out and highly urbanized nature of New York City. DEP believes that its broad citywide effort to effectively manage stormwater and CSOs using a hybrid grey/green infrastructure approach will lead to improved water quality.*
- DEP should invest in salt marsh restoration. What kind of pollution reduction could be anticipated from salt marshes?

- *The New York City Department of Parks and Recreation's (DPR) ongoing and complementary watershed planning and restoration efforts would likely include these evaluations in non-CSO areas contributing to Alley Creek/Little Neck Bay. DEP will be providing support for these efforts even after the submittal of the LTCP on June 30, 2013. Dependent upon the design of the salt marsh, some pollution reduction may be possible.*
- At the end of the public meeting, Mr. Paul Kenline (NYSDEC) read a prepared statement on behalf of NYSDEC. A summary of the statement is included below:

In March 2012, the State entered into a revised Order on Consent with DEP. This order provides the regulatory and technical framework for New York City to achieve compliance with the Clean Water Act's water quality goals through the development and implementation of CSO Long Term Control Plans. For the next 48 months, the City is required to submit ten waterbody-specific Long Term Control Plans for the State to review, culminating in a Citywide Long Term Control Plan in 2017. The Plans are required to achieve the highest attainable uses of the waters, regardless of their current New York State DEC water quality classification and standards.<sup>1</sup> With your input, and in collaboration with the City and EPA, the State will determine what types of water uses will be available to the public by evaluating, selecting and implementing CSO reduction projects or alternatives, including integrating the City's green infrastructure program. This June, DEP is required to submit for review the first of these water quality planning reports, for the Alley Creek/Little Neck Bay waterbodies and the combined sewage drainage areas. The State has had numerous technical discussions and will continue these discussions with the City over issues with the proposed Long Term Control Plan, including evaluating baseline conditions of the sewage treatment system concerning the CSO volume discharged to New York City's waters, verification of baseline conditions, and that DEP has verified the Long Term Control Plan assumption that all sewers are clean and free of significant sediment and/or obstructions by conducting representative physical inspections of larger diameter sewers within the drainage area (Technical Memorandum to DEC regarding Estimation of Sediment Levels for Pipes Represented in the Hydraulic Model of the NYC Sewer System used for LTCP Reporting (DEP, June 21, 2013)). DEC looks forward to reviewing the draft LTCP so that these technical issues may be vetted by the Department's technical staff. The State thanks you again for your interest and participation.

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<sup>1</sup> NOTE: DEP does not agree with NYSDEC's statement that the Long Term Control Plans are required to achieve the highest attainable uses of the waters, though the Plans will assess the waterbody's highest attainable use. The CSO Consent Order includes the following statement of the goal of the LTCP:

The goal of this LTCP is to identify appropriate CSO controls necessary to achieve waterbody- specific water quality standards, consistent with EPA's 1994 CSO Policy and subsequent guidance. Where existing water quality standards do not meet the Section 101(a)(2) goals of the Clean Water Act, or where the proposed alternative set forth in the LTCP will not achieve existing water quality standards or the Section 101(a)(2) goals, the LTCP will include a Use Attainability Analysis examining whether applicable waterbody classifications, criteria, or standards should be adjusted by the State. The Use Attainability Analysis will assess the waterbody's highest attainable use, which the State will consider in adjusting water quality standards, classifications, or criteria and developing waterbody-specific criteria.