

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance  
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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

I. Alley Creek CSO, E. Drainage Basin Specific LTCPs, 1. Submit Approvable Drainage Basin Specific LTCP for Alley 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) June 2014 Alley Creek Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), together with the May 2015 Alley Creek LTCP Supplemental Report.

On June 30, 2013, the City submitted the Alley Creek LTCP to the Department in accordance with the CSO Consent Order milestone Appendix I.E.1. The Department provided comments on the submittal in a letter dated September 12, 2013 and the City submitted responses to comments on November 4, 2013 and a revised Alley Creek LTCP on November 12, 2013. The Department issued a Determination on December 12, 2013 disapproving the revised November 2013 Alley Creek LTCP. The Department’s Determination subsequently lead to litigation between the City and Department and negotiations to resolve the litigation. The City submitted a Supplemental LTCP on April 15, 2015 and the Department provided final comments on the LTCP and Supplemental LTCP on April 21, 2015 via email. The City submitted a revised Supplemental LTCP on May 6, 2015, which is the final submittal

received by the Department for CSO Consent Order Appendix A milestone I.E.1. The May 2015 Alley Creek LTCP Supplemental was incorporated by reference into the June 2014 Alley Creek LTCP and comprises the complete LTCP for Alley Creek.

The alternative selected in the May 2015 Alley Creek Supplemental LTCP consists of a disinfection system, including both chlorination and dechlorination facilities, for the remaining overflows from the Alley Creek CSO Retention Facility. The disinfection system is to be operated during the recreational season (May 1 to October 31) to achieve a minimum of a 2-log reduction of bacteria, with dechlorination to minimize the discharge of excess residual chlorine. In accordance with the LTCP, 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 system, based on the schedule shown in Figure 9-1 of the May 2015 LTCP Supplemental, are as follows:

The milestones shown below are hereby incorporated into the CSO Consent Order Appendix A. Please find enclosed a stamped copy of the cover of the approved June 2014 Alley Creek LTCP.

<b>Alley Creek CSO Retention Facility Disinfection System</b>	
Initiate Final Design	September 2018
Final Design Completion with CPM Analysis	September 2021
Notice to Proceed to Construction	September 2022
Construction Completion	September 2024

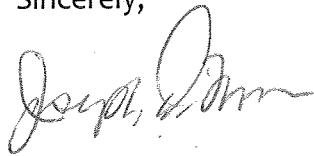
The Department acknowledges that a public meeting was held at the Alley Pond Environmental Center, 228-06 Northern Boulevard, Douglaston, NY on October 24, 2012 to present background on the Alley Creek LTCP. A second public meeting was held on May 1, 2013 at Alley Pond Environmental Center to present LTCP alternatives and a final public meeting was held on November 17, 2015 at Queensborough Community College, 222-05 56th Ave, Bayside, NY to present the selected alternative. A Responsiveness Summary has been prepared by the City and will be appended to the approved Alley Creek LTCP in Appendix F. The Post-Construction Compliance Monitoring Plan (PCMP) specified in Section 9.5 of the approved June 2014 Alley Creek 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 facility 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 system for the Alley Creek CSO Retention Facility. The application shall also include an update to the wet weather operating plan for the Alley 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. The SPDES permit will also incorporate a final Post Construction Monitoring Plan (PCM) for Alley Creek. The final PCM requirements will become effective upon start-up of the disinfection system. Monitoring results will be reviewed by the Department to determine whether the completed facility is achieving a level of water quality that is protective of the highest attainable use of Alley Creek and Little Neck Bay. 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

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 Alley Creek and Little Neck Bay

June 2014



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.

New York State Department of Environmental Conservation  
This report for APPENDIX A, I.E.I. SUBMIT  
APPROVABLE DRAINAGE BASIN SPECIFIC  
LICP FOR ALLEY CREEK.  
is hereby approved subject to the provisions of the  
Environmental Conservation Law and Order on consent  
(CSO Order) DEC Case # CO2 - 20000107-8.  
Date March 7, 2017. By: Joseph D. M... P.E.  
New York State Commissioner of  
Environmental Conservation  
Designated Representative  
Recommended by: Keith W. Beckmann P.E.