

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Compliance
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April 4, 2018

SENT VIA EMAIL

Mr. Keith Mahoney, P.E.
Acting LTCP Program Manager
Bureau of Engineering Design and Construction
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
VII. Coney Island Creek CSO, A. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek

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 2016 Coney Island Creek Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP)**, subject to the conditions set forth below. Please find enclosed a stamped copy of the cover of the approved June 2016 Coney Island Creek CSO LTCP.

On June 30, 2016, the City submitted the Coney Island Creek CSO LTCP to the Department in accordance with CSO Consent Order milestone Appendix VII.A. The Department provided comments on the submittal on August 17, 2016, April 6, 2017, and December 8, 2017, and the City submitted responses to the Department’s comments on September 16, 2016, December 15, 2017, and February 2, 2018, respectively. Pursuant to the City’s responses to the Department’s comments and as a condition for the Department’s approval, the City shall undertake the following activities:

1. Continue the track-down of illicit discharges under the City’s SPDES IDDE program.
2. Designate Coney Island Creek as a priority MS4 waterbody under its MS4 program.
3. Conduct eight (8) months of flow monitoring at regulator OH-11 for Outfall OH-021 and submit results by December 2019.

4. Provide operational data for the Avenue V pump station for a period of eight (8) months that corresponds to the period of flow monitoring at regulator OH-11.
5. Provide an updated Post-Construction Monitoring (PCM) Plan that includes the preceding items 1 to 4. The PCM Plan shall be submitted with 60 days of the date of this letter.

The City shall report on progress in completing these activities in the Annual CSO BMP Report required under the City's SPDES permits.

The June 2016 Coney Island Creek CSO LTCP proposed no further action for mitigating CSOs to the Coney Island Creek because the waterbody is projected to attain Class I water quality standards with existing infrastructure.

The Department acknowledges that a public meeting was held at the PS 90 in Brooklyn, NY on November 4, 2015 to present background on the Coney Island Creek CSO LTCP. A second public meeting was held on April 20, 2016 at the New York Aquarium in Brooklyn, NY to present LTCP alternatives. A final public meeting was held on November 15, 2017 at CUNY Law School in Queens, NY in conjunction with the annual Citywide LTCP meeting. [Summaries of comments received and responses](#) for the first and second meetings has been prepared by the City and will be appended to the approved Coney Island Creek CSO LTCP.

The Post-Construction Compliance Monitoring Plan (PCMP) specified in Section 9.5 of the approved June 2016 Coney Island Creek CSO LTCP has already commenced and shall continue. Monitoring results will be reviewed by the Department to determine if existing facilities are achieving a level of water quality that is protective of the highest attainable use of Coney Island 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 Kline, P.E., Section Chief 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
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Capital Project No. WP-169
Long Term Control Plan II

Combined Sewer Overflow Long Term Control Plan for Coney Island Creek

June 2016



Keith Mahoney, P.E.
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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 CSO ORDER APPENDIX A

VII. A. SUBMIT APPROVABLE DRAINAGE BASIN SPECIFIC LTR FOR CONEY ISLAND 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 April 9, 2016 . By: [Signature] P.E.

New York State Commissioner of Environmental Conservation

Designated Representative

[Signature]

Recommended by:

[Signature]