



December 4, 2015

The Honorable Emily Lloyd
Commissioner
NYC DEP
59-17 Junction Blvd
Flushing, NY 11373

RE: S.W.I.M. Coalition Comments on the forthcoming Coney Island Creek CSO Long Term Control Plan

Dear Commissioner Lloyd,

The Stormwater Infrastructure Matters (S. W. I. M.) Coalition submits this letter in response to the New York City Department of Environmental Protection's (DEP) invitation for public comments concerning the development of the Coney Island Creek CSO Long Term Control Plan (LTCP).

The S.W.I.M. Coalition represents over 70 organizations dedicated to ensuring swimmable and fishable waters around New York City through natural, sustainable stormwater management practices. Our members are a diverse group of community-based, citywide, regional and national organizations, water recreation user groups, institutions of higher education, and businesses.

On behalf of the S.W.I.M. Coalition Steering Committee, please accept these comments regarding the Coney Island Creek LTCP process:

Public Participation

At the November 4th Kick-off meeting for the Coney Island Creek CSO LTCP, community members raised concerns regarding the public notification process for DEP's public meetings and suggested that DEP post fliers in highly trafficked public spaces in order to accomplish better attendance of the meetings. There were no more than a dozen attendees for the November 4th public meeting outside of NYC DEP, and including representatives from NYS DEC and SWIM Coalition. Several attendees noted that they did not see any public notices about the meeting but rather heard about it through personal contacts.

We appreciate DEP's efforts over the last several years to improve its openness about the CSO LTCP planning process and its willingness to receive constructive feedback from S.W.I.M. and other members of the public. Engaging the community is an educational opportunity and a chance for DEP to build alliances with and promote the need for an informed citizenry that understands the relationship of water consumption and water quality.

Lack of attendance at the public meetings results in missed educational opportunities for the community. A scarcity of public notification loses the trust of the local community who would like to be informed of water quality improvements in the neighborhood, and who can influence their neighbors and build awareness about ways citizens can assist the City's water quality improvement efforts.

Outreach could be expanded by sending fliers to residents in the watershed, reaching out to local community organizations for help with distribution of the flyers, and making announcements in local news sources used by the community in languages that reflect the demographics of the population. Offering to webcast the meetings for those unable to physically attend the meeting would result in DEP's ability to reach a larger number of people, some of whom cannot physically travel to the meetings in person.

In addition to the specific comments above, we'd like to reiterate several recommendations for improved public engagement that we've included in past comment letters, specifically in our September 2014 letter to Commissioner Emily Lloyd regarding DEP's LTCP process for all waterbodies. Below is a summary of some of those suggestions:

- Presentations should be tailored to the audience in a style to which recreational water users and concerned citizens can relate on a personal level.
- For the second public meeting, the public must be given more time to comment and must be provided with a real draft plan as well as the power point summary
- DEP should explore online technologies to solicit feedback, such as crowd-sourcing anecdotal data or using an interactive map to demonstrate where and how participants use the waterways.

Integration With Area-wide Planning

According to the Kick-off meeting presentation, the Coney Island Creek watershed is served mostly (76 percent) by the Municipal Separate Stormwater Sewer System (MS4). Stormwater runoff from the MS4 area results in 1.5 billion gallons of stormwater discharge, compared to the 235 million gallons of CSO discharge. The forthcoming MS4 stormwater management plan (SWMP) will have to manage more than three-quarters of the ongoing pollution that impacts Coney Island Creek. Even a one hundred percent CSO reduction will only address a fraction of the ongoing pollution in the creek, so alternatives for CSO reduction cannot be evaluated alone.

Beyond MS4 and CSO considerations, other significant activity in the area, such as the Economic Development Corporation's (EDC) Feasibility Study, is a concern for residents of Coney Island and the surrounding neighborhoods, and will have an impact on DEP's water quality improvement plans. We recommend that DEP acknowledge the EDC study in the proposed Long Term Control Plan, and outline how various outcomes of the study could impact the City's water quality improvement plans for the Creek.

At the next public meeting, it would be useful to provide a review of all the recent water quality improvement programs that have taken place in the area to-date (DEP's efforts and those of other agencies and entities working in the area) and those which will take place over the next 3-5 years (i.e. the MS4 Stormwater Management Plan). This would give community members a better understanding of all the long term work slated to be conducted in their neighborhoods, how DEP's work in the area is related to the bigger picture, and what DEP's full scope of work will entail in the years ahead.

To echo City Council Member Trager's comments at the November 4th public meeting, it is vitally important to view the Coney Island Creek drainage area in the broader context of how it connects to the entire peninsula, and to portray how the proposed alternatives in the Coney Island Creek CSO LTCP can contribute to peninsula-wide solutions.

It is important to note that several attendees at the November 4th public meeting raised concerns about industrial pollutants in the Creek. We understand that NYC DEP's LTCP process is limited to solely addressing CSO reduction. However, the ultimate goal of the long term control plans is to improve water quality in Coney Island Creek and NYC waterways. This cannot be attained without assessing water quality holistically and considering other sources of water pollution. In addition to the MS4 sources of stormwater runoff, this includes the industrial pollutants that locals believe may include PCBs and heavy metals.

We recommend that DEP coordinate with NYS DEC to properly characterize the water quality in the public presentation and fact sheets for the Creek and to develop a comprehensive, coordinated plan to address all pollutants of concern to human and environmental health.

Existing Uses

Regardless of the designated use, it's important to note that people eat the fish caught in Coney Island Creek, community members stated this very clearly during the meeting. DEP's compliance with federal water quality standards is to ensure that the City's waterways are fishable and swimmable.

We hope that DEP's water quality improvement plans for Coney Island Creek will propose alternatives that ensure the waterbody will ultimately be fishable and clean enough for the education programs, such as the Coastal Classroom program led by City Parks Foundation in Kaiser Park, as well as the community stewardship projects and other activities conducted near the water's edge to continue without risking the health of the citizens who participate in them. As already mentioned, this approach would require addressing MS4 discharge and industrial contaminants, in addition to wet and dry weather CSO discharges.

Illicit sewer connections

In the public meeting, DEP noted that dry weather sampling indicated illegal discharges of sewage into the creek. One citizen from the area noted that she had identified a specific dry weather discharge site in the sewershed which appeared to be a significant contributor to contamination in the Creek. Such actions by local community members are vital to water quality improvement and should be recognized as exemplary and whenever possible, featured in DEP's public communication materials. If more citizens are rewarded and recognized publicly for their efforts, it is likely that others will get involved and help locate and monitor illegal discharges.

Also, a clear communication of DEP's investigative process for eliminating illegal discharges would help citizens understand how much time it takes to locate and disconnect the source of the discharges. We find it important for DEP to outline, in their forthcoming proposed water quality improvement plans, how the agency will conduct investigations into the origins of current illicit connections and what DEP plans to do to eliminate them in the future.

Green Infrastructure

NYC DEP's Green Infrastructure Plan has a goal of managing stormwater, through green infrastructure, on 10 percent of all impervious surfaces in combined sewer service areas of the City by 2030.

S. W. I. M. Coalition commends DEP for its diligence in implementing the ambitious citywide GI plan. However, these efforts have not yet been equally distributed throughout the city.

Coney Island Creek watershed has received no green infrastructure so far through the City's GI plan, and is only scheduled to have 7 of the 3,470 acres of impervious surface (in the drainage area) managed through green infrastructure investment by 2030.

We believe that there is opportunity in the Coney Island Creek watershed for more than 7 acres (a mere 1% of the of CSO impervious area) to be managed by green infrastructure. We recommend that DEP broaden the scope of GI in the Coney Island Creek watershed to include practices beyond bioswales, such as green roofs and permeable pavers and expand GI into upstream areas covered by the MS4.

We would also like to note that there are several well-established community stewardship groups in the area who are well-poised and interested in advocating for and supporting the implementation of local green infrastructure in public spaces near and around the Creek.

We encourage DEP to provide the community with an assessment of the potential for green infrastructure on public and private property in the entire drainage area (CSO and MS4) for the Creek, and develop a more robust green infrastructure goal for the area.

Thank you for the opportunity to comment on the development of the Coney Island Creek CSO Long Term Control Plan. The S. W. I. M. Coalition will continue to reach out to, and educate the public, on water quality issues in the City. We look forward to continuing our dialogue with DEP on the CSO Long Term Control Plans and the MS4 Stormwater Management Plans in the year ahead.

Sincerely,

Julie A. Welch, Coalition Coordinator
On Behalf of the S. W. I. M. Coalition Steering Committee

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