



JAN 29 2010

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**Re: Order on Consent (CSO Order)
DEC Case # CO2-20070101-1
Citywide CSO Program - Quarterly Report**

Dear Mr. DiMura:

In accordance with Section IV, Paragraphs A-C of the above referenced Consent Order, the New York City Department of Environmental Protection hereby submits the Citywide CSO Quarterly Report for the period of October 1 through December 31, 2009.

Should you require further information, please contact me at (718) 595-6208.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Roy Tysvaer'.

Roy Tysvaer, P.E.
Director
Wastewater Treatment and Water Quality

RT/ka

Xc: M. Eckels, H. Donnelly, D. Hammerman, A. Spangel, M. Osit, K. Clarke, R. Marandi, R. Meshkati, K. Mahoney, D. Chao, File

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**NEW YORK CITY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION
DEC Case # CO2 - 20000107-8 as modified by DEC Case # CO2-2007-0101-1**

Combined Sewer Overflow Order on Consent Quarterly Progress Report – Fourth Quarter 2009



December 2009

City of New York
Department of Environmental Protection
Bureau of Engineering Design & Construction

CSO Order on Consent
DEC Case # CO2 - 20000107-8 as modified by DEC Case # CO2-2007-0101-1

QUARTERLY PROGRESS REPORT
FOURTH QUARTER 2009
(October 1 – December 31)

January 29, 2010

Table of Contents

| | |
|---|------------|
| Table of Contents | i |
| List of Tables | ii |
| 1.0. Executive Summary | 1-1 |
| 2.0. Construction Contracts | 2-1 |
| 3.0. Detailed Description of Work Performed..... | 3-1 |
| 3.1. Alley Creek CSO | 3-1 |
| 3.2. Outer Harbor CSO..... | 3-4 |
| 3.3. Inner Harbor CSO | 3-7 |
| 3.4. Paerdegat Basin CSO | 3-11 |
| 3.5. Flushing Bay CSO..... | 3-18 |
| 3.6. Jamaica Tributaries CSO | 3-22 |
| 3.7. Coney Island Creek CSO | 3-26 |
| 3.8. Newtown Creek CSO..... | 3-30 |
| 3.9. Westchester Creek CSO | 3-35 |
| 3.10. Bronx River CSO..... | 3-38 |
| 3.11. Hutchinson River CSO..... | 3-41 |
| 3.12. Jamaica Bay CSO | 3-43 |
| 3.13. Citywide Comprehensive Floatables Plan..... | 3-47 |
| 3.14. Environmental Benefits Projects..... | 3-49 |
| 4.0. Compliance Status | 4-1 |
| 4.1. Unresolved Delays | 4-1 |
| 4.2. Compliance Charts | 4-1 |
| 5.0. Community Relations | 5-1 |
| 6.0. Key Personnel Changes | 6-1 |
| 7.0. Other Issues | 7-1 |
| 8.0. Status of LTCP Development | 8-1 |

List of Tables

Table 1 – Milestones This Quarter (Jul 2009 – Sep 2009) 1-2

Table 2 – Milestones to be Considered for Potential Modification 1-3

Table 3 – Milestones to be Met Next Quarter (Oct 2009 - Dec 2009) 1-3

Table 4 – Milestones with Force Majeures and Modification Requests..... 1-4

Table 5 – Construction Contracts and their Status..... 2-1

Table 6 – Alley Creek CSO Project..... 3-3

Table 7 – Outer Harbor CSO Project..... 3-6

Table 8 – Inner Harbor CSO Project..... 3-10

Table 9 – Paerdegat Basin CSO Project 3-17

Table 10 – Flushing Bay CSO Project..... 3-21

Table 11 – Jamaica Tributaries CSO Project..... 3-25

Table 12 – Coney Island Creek CSO Project..... 3-29

Table 13 – Newtown Creek CSO Project 3-34

Table 14 – Westchester Creek CSO Project 3-37

Table 15 – Bronx River CSO Project 3-40

Table 16 – Hutchinson River CSO Project..... 3-42

Table 17 – Jamaica Bay CSO Project..... 3-46

Table 18 – 2008 Modified CSO Consent Order Environmental Benefits Projects 3-51

Table 19 – Consent Order Milestone Dates..... 4-1

1.0 Executive Summary

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20070101-1 (the “Order”); was entered into by the City of New York (“City”) and the New York State Department of Environmental Conservation (“DEC”) on January 14, 2005 and modified on April 14, 2008 and on **September 3, 2009**. Pursuant to Section IV, Paragraph A of the Order, the City shall submit quarterly status reports to DEC (“Quarterly Reports”). The Quarterly Reports shall describe the actions that have been taken toward achieving compliance with this Order during the past three-month period. This Quarterly Report sets forth the status of and progress by the New York City Department of Environmental Protection (“DEP”) in complying with the milestones set forth in the Order during the period from **October 1, 2009 to December 31, 2009**.

Critical Events This Quarter:

The following critical events occurred this quarter:

- 1) DEP submitted a Modification Request for the Construction Completion Milestone for the Alley Creek CSO Retention Facility on October 30, 2009. The request proposed modification of the December 31, 2009 milestone to November 30, 2010. The basis of this request, the unexpected deteriorated influent sewer to the Old Douglaston Pumping Station, was first reported to NYSDEC on November 20, 2007. DEP and DEC have been reviewing the CPM schedule and discussed its various aspects at the December 2, 2009 CSO Technical Meeting.**
- 2) DEP certified Construction Completion of the Port Richmond throttling facility on November 20, 2009 in compliance with the modified milestone. The General contractor has punch-list items to complete.**
- 3) Site work at the B-6 location for Inner Harbor In-line Storage was completed this quarter.**
- 4) DEP issued the Notice to Proceed to Construction to the G contractor for the Gowanus Facilities Upgrades on September 14, 2009, and certified compliance with the NTP milestone on October 2, 2009. The milestone date for the NTP in the Order is February 2010.**
- 5) The DEP responded to the NOIA issued for the Paerdegat Basin LTCP Dredging Permit including comments regarding coordination of dredging activities with ongoing DOT bridge work.**
- 6) DEC issued a Notice of Violation (NOV) for the Paerdegat Basin Foundation and Substructures Construction Completion Milestone on March 27, 2009. DEP responded to this Notice as directed by providing relevant CPM schedules for DEC to review. Subsequent to that review, DEC granted an extension of the Construction Completion Milestone for the Foundation and Substructures to December 31, 2009, and specified particular actions necessary to certify substantial completion.**

7) Bid advertisements for the Jamaica Tributaries Destratification Facilities were issued on December 22, 2009. The bid opening is scheduled for January 21, 2010. The Construction Completion Milestone is September 30, 2010.

8) DEP submitted a Modification Request for several milestones associated with Newtown Creek CSO. DEC had exercised enforcement discretion in extending certain milestones first to August 31, 2009, then to October 31, 2009. DEP's request for a further extension was necessary because, as DEC's correspondence noted, DEC had not completed the full technical review of the modification request necessary to act on it. The Modification Request proposed a new date of February 2010 at which time DEP plans to submit a Zone I Aeration report along with a revision to the April 2009 Newtown Creek Modification Request.

Major Actions This Quarter:

Table 1 presents the milestones that occurred this quarter. For each milestone listed in Table 1 below, either met or postponed, written notification was submitted by DEP to DEC.

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on **December 2, 2009. The meeting was held at the Hunts Point WPCP** to discuss issues related to the Order and review milestones met during the last quarter.

DEP continued to make progress in the planning, design and construction of its CSO facilities during this quarter, as documented in this report.

Major Actions Next Quarter:

Table 3 shows milestones to be met next quarter. The following major actions are expected to occur between January 2010 and March 2010:

- ◆ Schedule and hold the next Quarterly Progress Meeting between DEC and DEP on February 9, 2010 at 1pm in Kingston.
- ◆ Registration of the contract and issuance of the Notice to Proceed to Construction for the Hendrix Creek Canal Interim Dredging Project
- ◆ Certify Construction Completion of 26th Ward sewer cleaning

Table 1 – Milestones This Quarter (Oct 2009 – Dec 2009)

| LOCATION/ PROJECT AREA | ITEM DESCRIPTION | MILESTONE DATE | ACTION REQUIRED | STATUS |
|------------------------------|--------------------------------------|-------------------|----------------------------|-----------------------------------|
| Alley Creek | CSO Retention Facility | Dec 2009 | Construction Completion | Modification Request submitted |
| Outer Harbor | Port Richmond Throttling Facility | Nov 2009 | Construction Completion | Certified |
| Paerdegat Basin | Foundations and Substructures | Dec 2009 | Construction Completion | Certified 1/2/2010 |

Table 2 – Milestones to be Considered for Potential Modification

| LOCATION / PROJECT AREA | ITEM DESCRIPTION | MILESTONE DATE | ACTION REQUIRED | REASON FOR MODIFICATION |
|--------------------------------|-------------------------|-----------------------|-------------------------|--|
| Alley Creek | CSO Retention Facility | Dec 2009 | Construction Completion | Force Majeure |
| Inner Harbor | Submit Approvable LTCP | Jan 2010 | Submittal | Approach to LTCP process under negotiation |
| Coney Island Creek | Submit Approvable LTCP | Jan 2010 | Submittal | Approach to LTCP process under negotiation |

Table 3 – Milestones to be Met Next Quarter (Jan 2010 - Mar 2010)

| LOCATION / PROJECT AREA | ITEM DESCRIPTION | MILESTONE DATE | ACTION REQUIRED | STATUS |
|--------------------------------|-------------------------------------|-----------------------|-----------------------------------|--------------------------------|
| Inner Harbor | Flushing Tunnel Modernization | Feb 2010 | Notice to Proceed to Construction | Certified 10/2/2009 |
| Inner Harbor | Gowanus Pump Station Reconstruction | Feb 2010 | Notice to Proceed to Construction | Certified 10/2/2009 |
| Inner Harbor | Submit Approvable LTCP | Jan 2010 | Submittal | Modification Request submitted |
| Coney Island Creek | Submit Approvable LTCP | Jan 2010 | Submittal | Modification Request submitted |
| Jamaica Bay | Hendrix Creek Dredging | Feb 2010 | Notice to Proceed to Construction | On Schedule |

Table 4 – Milestones with Force Majeures and Modification Requests Outstanding

| LOCATION/ PROJECT AREA | ITEM DESCRIPTION | ACTION(S) | REASON FOR ACTION(S) | MILESTONE DATE | STATUS |
|---|--|---|---|--|--|
| Alley Creek | CSO Retention Facility | Mod Request; Force Majeure | Deteriorated Sewer | Construction Completion Dec 2009 | Modification Request submitted due to Force Majeure |
| Inner Harbor | In-Line Storage | Force Majeure | Unmapped Utilities; Discontinued Equipment Manufacturer | Construction Completion Aug 2010 | Construction in progress |
| Inner Harbor | Submit Approvable LTCP | Modification Request submitted | LTCP Process to be Defined | Jan 2010 | Awaiting Response |
| Coney Island Creek | Submit Approvable LTCP | Modification Request submitted | LTCP Process to be Defined | Jan 2010 | Awaiting Response |
| Jamaica Tributaries | Expansion of Wet Weather Capacity of Jamaica WPCP | Mod Request | Cost- Effective Alternative | Initiate Final Design Jun 2009 | Under negotiation between DEC and DEP |
| Newtown Creek | Aeration Zone II Sewer Modifications Throttling Facility Storage Facility | Proposed Mod Request & WWFP | Cost- Effective Alternative | Jun 2010* Jun 2009* Jun 2009* Nov 2010* | Under negotiation between DEC and DEP |
| *Next upcoming Milestone date for each item, i.e.: Final Design Completion for Aeration Zone II and Sewer Modifications; Notice to Proceed to Construction for the Throttling Facility; and Initiate Final Design for the Storage Facility. | | | | | |

2.0 Construction Contracts

The Order contains milestones and schedules governing the planning, design and construction of DEP’s Citywide CSO Program. Numerous CSO related facilities will be constructed to reduce combined sewage discharges to the receiving waters surrounding the City. The table below provides a list of construction contracts, identified in Appendix A of the Order, necessary to fulfill the requirements of the Order. This table identifies, by percentage, the estimated amount of construction that has been completed.

Table 5 – Construction Contracts and their Status

| WATERBODY | ITEM DESCRIPTION | NOTICE TO PROCEED | CONSTRUCTION COMPLETION | % OF TIME ELAPSED | % OF CONSTRUCTION COMPLETED* |
|------------------------|---|--------------------------|--------------------------------|--------------------------|-------------------------------------|
| Alley Creek | Outfall and Sewer System Improvements | Dec 2002 | Dec 2006 | 100% | 100% |
| | CSO Retention Facility | Dec 2006 | Dec 2009 | 100% | 70% |
| Outer Harbor | Regulator Improvements - Fixed Orifices | Feb 2006 | Jul 2008 | 100% | 100% |
| | Regulator Improvements – Automation | Nov 2007 | Jun 2010 | 81% | 76% |
| | Port Richmond Throttling Facility | Jun 2006 | Nov 2009 as modified | 100% | 99% |
| Inner Harbor | Regulator Improvements - Fixed Orifices | Feb 2003 | Apr 2006 | 100% | 100% |
| | Regulator Improvements – Automation | Nov 2007 | Jun 2010 | 81% | 76% |
| | In-Line Storage | Aug 2007 | Aug 2010 | 78% | 75% |
| | Gowanus Flushing Tunnel Modernization | Feb 2010 | Sep 2014 | 0% | <1% |
| | Gowanus Pump Station Reconstruction | Feb 2010 | Sep 2014 | 0% | <1% |
| | Dredging of Gowanus Canal | 3 years post permit | 5 years post permit | - | - |
| Paerdegat Basin | Influent Channel | Feb 1999 | Feb 2002 | 100% | 100% |
| | Foundations and Substructures | Jun 2002 | Feb 2009 | 100% | 97% |
| | Structures and Equipment | Sep 2005 | May 2011 | 75% | 86% |
| | Dredging of Paerdegat Basin | 3 years post permit | 5 years post permit | - | - |
| Flushing Bay | Reroute and Construct Effluent Channel | Jun 1995 | Jun 1996 | 100% | 100% |
| | Relocate Ball fields | Apr 1995 | Aug 1995 | 100% | 100% |
| | Storage Tank | Jul 1997 | Aug 2001 | 100% | 100% |
| | Mechanical Structures | Mar 2002 | Sep 09 | 100% | 100% |
| | Tide Gates | Dec 2000 | Apr 2002 | 100% | 100% |
| | Manual Sluice Gates | Feb 2004 | Jun 2005 | 100% | 100% |

| WATERBODY | ITEM DESCRIPTION | NOTICE TO PROCEED | CONSTRUCTION COMPLETION | % OF TIME ELAPSED | % OF CONSTRUCTION COMPLETED* |
|----------------------------|---|--------------------------|--------------------------------|--------------------------|-------------------------------------|
| | Tallman Island WPCP Conveyance Improvements | Dec 2011 | Jul 2015 | - | - |
| Jamaica Tributaries | Meadowmere & Warnerville DWO Abatement | Jun 2006 | Jul 2009 as modified | 100% | 99% ⁽¹⁾ |
| | Expansion of Wet Weather Capacity of Jamaica WPCP | Jun 2012 | Jun 2015 | - | - |
| | Destratification Facility | Sep 2010 | Mar 2012 | - | - |
| | Regulator Automation | Nov 2007 | Jun 2010 | 81% | 76% |
| Coney Island Creek | Avenue V Pumping Station Upgrade | Nov 2005 | Apr 2011 | 75% | 50% |
| | Avenue V Force Main | Jul 2007 | Jun 2012 | 49% | 80% |
| Newtown Creek | Aeration Zone I | Dec 2005 | Dec 2008 | 100% | 100% |
| | Aeration Zone II | Jun 2011 | Jun 2014 | - | - |
| | Relief Sewer / Regulator Modification | Jun 2010 | Jun 2014 | - | - |
| | Throttling Facility | Jun 2009 | Dec 2012 | 14% | 33% |
| | CSO Storage Facility | Dec 2015 | Dec 2022 | - | - |
| Westchester Creek | Phase I (Influent Sewers) | Jun 2011 | Jun 2015 | - | - |
| | CSO Storage Facility | Dec 2015 | Dec 2022 | - | - |
| Bronx River | Floatables Control | Jun 2009 | Jun 2012 | 17% | 5% |
| Hutchinson River | Phase I of the Storage Facility | Jun 2011 | Jun 2015 | - | - |
| | Future Phases | Dec 2016 | Dec 2023 | - | - |
| Jamaica Bay | Spring Creek AWPCP Upgrade | Mar 2003 | Apr 2007 | 100% | 100% |
| | 26th Ward Drainage Area Sewer Cleaning and Evaluation | Jun 2008 | Jun 2010 | 75% | 98% |
| | Hendrix Creek Dredging | Feb 2010 | Feb 2012 | - | - |
| | 26th Ward Wet Weather Expansion | Jun 2011 | Dec 2015 | - | - |
| | Rockaway WPCP Conveyance Improvements | - | Dec 2017 | - | - |

*Note: Percentage Construction Completion is generally tracked based on cost incurred

(1) Facilities necessary to operate Warnerville Pump Station are completed. Certification of Construction Completion submitted to DEC in July 2009

3.0 Detailed Description of Work Performed

3.1 Alley Creek CSO

The Alley Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall TI-008, which discharges into Alley Creek at a location just south of Northern Boulevard on the west bank of Alley Creek. Little Neck Bay and Alley Creek receive discharges from 31 stormwater outfalls, as well as CSO Outfall TI-008; however, discharges from CSO Outfall TI-008 were determined to be the primary cause of water quality degradation within Alley Creek. CSO Outfall TI-008 serves a drainage area of approximately 1,975 acres within the Tallman Island Water Pollution Control Plant (WPCP) service area in the Borough of Queens. The Alley Creek Drainage Area Improvements/CSO Abatement Facilities Project, which has been designated as Phase I of the comprehensive Alley Creek CSO Abatement Facilities Plan, is being constructed in two stages:

1. Alley Creek Drainage Area Improvements (Phase I, Stage 1, Contract ER-AC1) and,
2. Alley Creek CSO Abatement Facilities (Phase I, Stage 2, Contract ER-AC2)

This section reports on the progress of Phase I, Stages 1 and 2 of the Alley Creek CSO Abatement Facilities Plan.

Phase I, Stage 1 (Contract ER-AC1) includes the construction of additional water mains, stormwater sewers and combined sewers, a double-barrel outfall sewer, an outfall structure, and a 5 million gallon CSO storage facility to substantially reduce street flooding and sewer surcharging; and to abate CSO discharges into Alley Creek within the CSO Outfall TI-008 drainage area.

Phase I, Stage 2 (Contract ER-AC2) includes activation of the 5 MG CSO storage facility, upgrading the Old Douglaston Pumping Station to enhance the station's reliability to pump the captured combined sewage to the interceptor system for conveyance to the Tallman Island WPCP for treatment, rehabilitation of the CSO Outfall TI-008 structure, and restoration of a 1.51-acre area surrounding CSO Outfall TI-008 to include restoration/creation of wetlands and replacement of invasive vegetation with indigenous plantings as mitigation for the area disturbed as a result of rehabilitation of the outfall structure.

Work Performed During This Quarter

Construction

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ **Final Payment has been issued and the project is being closed out**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Activities continued for Contract ER-AC2. The principal work included **electrical/mechanical work in the ODPS wet well and the valve vault room and the completion of all work in the Grinder Room of ODPS, obtaining permits and**

approvals from regulatory/ approval agencies, and submittal and review of shop drawings. Construction of Contract ER-AC2 is currently at 70 percent complete.

- ◆ The DEP and CM have been coordinating with the contractor to develop alternatives to help recover time and update the CPM accordingly. The DEP is looking into modifying the means and methods specified in the contract but will not make any modifications that may compromise project quality. The DEP continues to work with the Contractor, the CM, and the designer on recovering time. The Contractor is currently working overtime on select items to accelerate progress.
- ◆ **Monthly Recovery Meetings were held on October 16, 2009, November 20, 2009 and December 18, 2009 to identify key work tasks on the CPM Critical path that could be expedited. The NYCDEP, Contractor, CM, and the Designer established monthly goals for expediting these critical tasks to accelerate overall progress. These items are reviewed on a monthly basis until completed.**
- ◆ The Contractor activated the Interim Pumping Station (IPS) on May 26, 2009 and shut down the Old Douglaston Pumping Station (ODPS). The renovation of the ODPS is ongoing.
- ◆ **Construction progress meetings were held on October 2, 2009, November 6, 2009 and December 4, 2009 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ **Issues and Tasks meetings were held on October 23, 2009, November 20, 2009 and December 18, 2009 at the Engineer's Field Office for Contract ER-AC2.**

Missed Milestones

- ◆ **The NYCDEP submitted a request to the NYSDEC on October 30, 2009 for a modification to the existing Milestone Date of December 31, 2009 to a new proposed Milestone Date of November 30, 2010. The basis of this request, the unexpectedly deteriorated condition of the influent sewer to the Old Douglaston Pumping Station, was reported to NYSDEC in a Force Majeure letter dated November 20, 2007 and updated on August 20, 2008 and February 3, 2009. Technical discussions ongoing; mod request outstanding.**

Anticipated Activities for Next Quarter

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ **Continue with project close out.**
- Alley Creek CSO Retention Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Construction under Contract ER-AC2 will continue, primarily focusing on activating the Old Douglaston Pump Station. Other activities will include installing instrumentation and controls along with developing startup procedures.

- ◆ Monthly Recovery Meetings will continue to be held, typically on the third Friday of the month, at the Engineers Field Office, to coordinate activities which can be accelerated to make up lost time to advance the project completion date.
- ◆ Monthly construction progress and Issues and Tasks meetings will be held at the Engineer’s field office.
- ◆ Change orders to Contract ER-AC2 will continue to be prepared and processed. Shop drawings, RFIs, etc. will be submitted and responses provided.

Table 6 – Alley Creek CSO Projects

| | <i>Phase I, Stage 1</i> | <i>Phase I, Stage 2</i> |
|----------------|--|--|
| Plan Elements: | Alley Creek Drainage Area Improvements | Alley Creek CSO Abatement Facilities |
| Location: | 46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens | Northern Boulevard and Alley Park in Bayside, Queens |
| Actions: | Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek | Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 2.5-acres of wetland/upland area surrounding CSO Outfall TI-008. The wetland/upland restoration work has been transferred to Contract ER-AC3 |
| Cost: | \$98,850,487.61 | \$33,169,487.61 |
| Status: | Construction completed. Final close-out period. | 70% complete with construction activities Notice of Force Majeure submitted to DEC in November 2007. A modification request was submitted on October 30, 2009. |

3.2. Outer Harbor CSO

The Outer Harbor CSO Facility Planning area consists of the drainage areas of the Port Richmond, Oakwood Beach, Owls Head and Coney Island (separately sewerage area) Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

Phase I will provide improvements to 32 regulators in the Outer Harbor study area. Phase II entails the construction of a throttling facility in the Port Richmond east interceptor, which will provide the ability to store up to 5 MG upstream of the Port Richmond WPCP. The Citywide SCADA Project will automate regulators in Outer Harbor.

Work Performed During This Quarter

Construction

- Regulator Automation
 - ◆ Construction activities continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections, obtaining necessary permits and performing change/modification work.
 - ◆ **Negotiation meeting for Change Order No. 12 and 13 occurred on October 29, 2009. All negotiation meetings involved the Construction Manager, Design Engineer, Contractor, and DEP.**
 - ◆ **Weekly construction meetings occurred on October 1, October 8, October 15, October 29, November 5, November 20, December 3, December 10, December 17 and December 30, 2009. Monthly Progress Meetings occurred on October 15, November 19 and December 17, 2009.**
 - ◆ **CPM Schedule update 13R, which was submitted on October 7, 2009, showed a construction completion date of April 11, 2010, which shows acceleration of work before the Consent Order Milestone date. The schedule update 13R was accepted with comments. CPM Schedule Update 15, which was submitted on November 15, 2009, showed a construction completion of June 12, 2010 which is delayed by 43 calendar days from previous schedule. The delay in the schedule is due to change order registration for Change Order Nos. 9 through 12 and the factory acceptance test for the back panels. The schedule update 15 was accepted with comments. CPM schedule update 16 was received on December 16, 2009 and shows the same completion date as the previous update. The schedule update 16 is currently being reviewed.**

- Phase I Regulator Improvements
 - ◆ Construction complete. The certification of construction completion was submitted to DEC and a final inspection was completed by DEC. In a letter date June 30, 2008, DEC certified compliance with the construction completion milestone
- Phase II Throttling Facility
 - ◆ DSDC activities continued, including shop drawing reviews and RFI responses.
 - ◆ **The Contractor worked on the installation of the ultrasonic level sensor at the Port Richmond WPCP forebay, and on the installation of the pressure level sensors at throttling facility chamber.**
 - ◆ **The Contractor installed the ships ladder access into the top chamber of the facility.**
 - ◆ **Regular monthly construction progress meeting was held on November 4, 2009. The October 7 meeting was cancelled.**
 - ◆ **DEP certified Construction Completion of the Port Richmond throttling facility on November 20, 2009 in compliance with the modified milestone. The General contractor has punch-list items to complete.**

Missed Milestones

- ◆ DEP submitted a Request for Modification of Milestone associated with the Port Richmond Throttling Facility to DEC on October 31, 2008. The basis for this request was unanticipated subsurface conditions encountered by the contractor, a Force Majeure event. DEP submitted a Notice of Force Majeure in November 2007 to DEC related to the subsurface conditions, and updates on this Force Majeure event were submitted in November 2007 and February 2008. DEC granted a modification of the Construction Completion Milestone on January 15, 2009. The Milestone was revised from December 31, 2008 to November 20, 2009.

Anticipated Activities for Next Quarter

Construction

- Regulator Automation
 - ◆ Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and commencing start up services.
- Phase II Throttling Facility
 - ◆ **Address final Design Services During Construction issues.**
 - ◆ **The contractor will continue construction activities, close-out submittals, and complete final punch-list items.**

- ◆ The contractor will begin training and O&M activities.

Table 7 – Outer Harbor CSO Projects

| | <i>Phase I</i> | <i>Phase II</i> | <i>Citywide SCADA</i> |
|---|---|--|--|
| Plan Elements: | Regulator Improvements – Fixed Orifices | Throttling Facility | Regulator Improvements – Automation |
| Location: | 32 regulator sites throughout Brooklyn and Staten Island | Port Richmond WPCP | Regulator sites throughout Brooklyn and Staten Island |
| Actions: | Conversion to manually operated sluice gates, replacement of stop plank guides, manhole steps, standardization of manhole cover sizes | Installation of throttling facility and sluice gate in Port Richmond east interceptor sewer | Conversion to automated regulators |
| Construction Cost: | \$4,390,100 | \$5,737,821 | \$15,721,000* |
| Status: | Construction Complete | CSO Construction Complete. | Construction 76% Complete |
| Other Issues: | - | DEC granted Modification Request; revised Construction Completion date is November 20, 2009. Certified Construction Completion on November 20, 2009. | Although schedule was accelerated, delays to project due to unanticipated change order registration and factory acceptance testing issues may extend construction beyond consent order date. Schedule acceleration will be implemented to mitigate the issue. |
| *Note – Construction cost represents original contract amount for REG-026 | | | |

3.3. Inner Harbor CSO

The Inner Harbor CSO Facility Planning area consists of the drainage areas of the North River, Newtown Creek, and Red Hook Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the Lower East River, Hudson River, Upper New York Bay, and Gowanus Canal and Bay. This section reports on the progress of Phase I (Regulator Improvements), Phase II (In-Line Storage), and the automation of key regulators to be accomplished under the Citywide SCADA Project. In addition, the proposed elements of the August 2008 Gowanus Canal Waterbody / Watershed Facility Plan (as amended April 2009) became enforceable under the CSO Consent Order by reference upon approval by DEC, which was granted on July 14, 2009.

Phase I provides improvements to 72 regulators in the Inner Harbor study area. Phase II provides for in-line storage at two inflatable dam locations in the study area. The Citywide SCADA Project will automate regulators in Inner Harbor.

The key components include the rehabilitation of the Gowanus Canal Flushing Tunnel, reconstruction of the Gowanus Pumping Station, floatables controls at major CSOs, and environmental dredging at the head end of Gowanus Canal. Rehabilitating the Flushing Tunnel will eliminate shutdowns during low tide and many maintenance operations with the installation of a new pumping system with redundant, interchangeable pumps. The Gowanus Pumping Station reconstruction includes major improvements to operational reliability and the replacement of the force main to convey pumped flow directly to the Columbia Street Interceptor via the inside of the Flushing Tunnel. CSO screens will be retrofitted to RH-034 at the upstream side of the Gowanus Pumping Station. Environmental dredging in the upper 750 feet of the Gowanus Canal to a final water depth of 3.0 feet below mean lower low water will reduce exposure of CSO sediment mounds, thereby improving aesthetic conditions.

Work Performed During This Quarter

Design

- In-line Storage
 - ◆ DEP submitted a Notice of Force Majeure in December 2007 to DEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date. An update on this Force Majeure event was submitted in a letter dated August 29, 2008.
 - ◆ Review of shop drawings, responses to RFIs and meetings continued this quarter.
 - ◆ **Preparation of plan of operations and Operating and Maintenance Manual continued this quarter.**

- **Gowanus Canal**

- ◆ The Gowanus Canal Waterbody / Watershed Facility Plan **and the Gowanus Canal Facilities Upgrade Plans and Specifications** were submitted to NYSDEC in August 2008 and approved on July 14, 2009 as amended.
- ◆ **Bids were received and evaluated.**

Construction

- Regulator Automation
 - ◆ Construction activities continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections, obtaining necessary permits and performing change/modification work.
 - ◆ **Negotiation meeting for Change Order No. 12 and 13 occurred on October 29, 2009. All negotiation meetings involved the Construction Manager, Design Engineer, Contractor, and DEP.**
 - ◆ **Weekly construction meetings occurred on October 1, October 8, October 15, October, 29, November 5, November 20, December 3, December 10, December 17 and December 30, 2009. Monthly Progress Meetings occurred on October 15, November 19 and December 17, 2009.**
 - ◆ **CPM Schedule update 13R, which was submitted on October 7, 2009, showed a construction completion date of April 11, 2010, which shows acceleration of work before the consent order date. The schedule update 13R was accepted with comments. CPM Schedule Update 15, which was submitted on November 15, 2009, showed a construction completion of June 12, 2010 which is delayed by 43 calendar days from previous schedule. The delay in the schedule is due to change order registration for Change Order Nos. 9 through 12 and the factory acceptance test for the back panels. The schedule update 15 was accepted with comments. CPM schedule update 16 was received on December 16, 2009 and shows the same completion date as the previous update. The schedule update 16 is currently being reviewed.**
- Regulator Improvements
 - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was submitted to DEC on January 24, 2006 and the final inspection was completed by DEC. In a letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.
- In-line Storage
 - ◆ At the B-6 site, the contractor completed the work, and requested an inspection by the operating bureau. The dam was tested by the contractor. **Site work finished this quarter.**
 - ◆ **At the R-20 site, the contractor continued the change order related work for the construction of the dam chamber. The contractor installed a flume in order to**

continue with the construction of the chamber and completed the dam chamber walls and bottom slab.

- **Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station**
 - ◆ A Notice to Proceed to Construction (NTP) was issued to the G contractor for the Gowanus Facilities Upgrades on September 14, 2009. **DEP certified compliance with the NTP milestone on October 2, 2009 in a letter to NYSDEC.** The milestone date for the NTP in the Order is February 2010.
 - ◆ **Construction was initiated by the contractor during this quarter.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- In-line Storage
 - ◆ **Review shop drawings, respond to RFIs, and conduct monthly construction I&T meetings.**

Construction

- Regulator Automation
 - ◆ **Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and commencing start up services.**
- In-line Storage
 - ◆ **Submit a milestone certification letter for Construction Completion**
 - ◆ **Install inflatable dam and complete construction of chamber at the R-20 site.**
 - ◆ **Provide training for operating personnel.**
- **Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station**
 - ◆ **Construction activities will continue.**

Table 8 – Inner Harbor CSO Projects

| | <i>Phase I</i> | <i>Phase II</i> | <i>Citywide SCADA</i> | <i>Gowanus Canal Pumping Station and Flushing Tunnel</i> | <i>Dredging</i> |
|--------------------|--|---|---|--|---|
| Plan Elements: | Regulator Improvements – Fixed Orifices | In-Line Storage | Regulator Improvements – Automation | Rehabilitation of Pumping Station and Flushing Tunnel | Dredging Gowanus Canal Head End |
| Location: | 72 regulator sites in Manhattan and Brooklyn | Upstream of regulators B-6 and R-20 in Brooklyn | Regulator sites in Manhattan and Brooklyn | Gowanus Pumping Station Property, Brooklyn | Gowanus Canal |
| Actions: | Conversion to fixed orifices | Installation of two inflatable dams in the combined sewer systems | Conversion to automated regulators | NTP Issued | Prepare and Submit Dredging Permit Application |
| Construction Cost: | \$9,500,000 | \$11,200,000 | \$15,721,000* | \$116,948,969 | TBD |
| Status: | Construction Complete | Under construction, 75% complete | Construction 76% Complete | Contractor Mobilized | Design Contract procurement in progress |
| Other Issues: | | Force Majeure submitted to DEC in December 2007 | Although schedule was accelerated, delays to project due to unanticipated change order registration and factory acceptance testing issues may extend construction beyond consent order date. Schedule acceleration will be implemented to mitigate the issue | | |

*Note: Construction cost represents original contract amount for REG-026

3.4. Paerdegat Basin CSO

The Paerdegat Basin CSO Retention Facility is located in southeastern Brooklyn, at the intersection of Flatlands and Ralph Avenues. The facility will receive combined sewer overflows from outfalls CI-004, CI-005, and CI-006, a drainage area of approximately 6,000 acres in the Coney Island WPCP service area. Once constructed, the facility will consist of a four (4) bay underground storage tank and operations buildings. The stored CSO will be pumped back to the Coney Island WPCP for treatment after each rain event. This section reports on the progress of Phase IA – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Structures and Equipment.

Phase IA includes construction of a major portion of the influent channels and the relief weir. Phase II includes construction of the CSO tank and building foundations and dredging of the basin. Phase III entails construction of the aboveground structures including Pump Back Building, Odor Control Building, Screening Building and Collection Facilities Building; also completion of the influent channels and reconstruction of the outfalls, installation of all mechanical equipment and start-up of the CSO facility.

Work Performed During This Quarter

Planning

- ◆ Submitted to DEC and EFC the Paerdegat Basin Drainage Specific LTCP report in November 2005, in compliance with the milestone date in the CSO Consent Order. Transmitted a response to DEC comments and revised LTCP on June 30, 2006.
- ◆ DEC approved the Paerdegat Basin LTCP in a letter dated February 1, 2007.
- ◆ The Joint Application Permit to allow for dredging of CSO sediments at the head-end of Paerdegat Basin and to improve the navigational channel at the mouth of the basin was submitted in the 4th Quarter of 2008 in accordance with the approved LTCP.
- ◆ **An update to the Form 2A SPDES Application has been scheduled. DEP submitted the Form 2A Application in April 2002 and received comments from DEC in October 2008. The form was updated and resubmitted at the end of October 2008. Based on discussions between DEP and DEC, a final version of the form must be submitted six months prior to the facility coming online.**

Design

- Phase I A – Influent Channels
 - ◆ 100% complete
- Phase II – Foundations and Substructures
 - ◆ Underground CSO Tank design 100% complete.
- Phase III – Superstructures and Equipment

- ◆ Construction of the facility buildings (Pump Back, Odor Control, Screenings Building and Collection Facilities South headquarters) design 100% complete.

Construction

- Phase I A – Influent Channels
 - ◆ Construction completed in 2002.
- Phase II – Foundations and Substructures
 - ◆ Construction work had ceased at approximately 97% complete due to the default of the contractor on December 6, 2007 by the Department pursuant to Articles 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract. **Construction work currently remains at 97% complete due to the large amount of remedial work required by the Surety.**
 - ◆ **The Surety's completing contractors completed removal of the slurry wall; completed removal of the sand shoal navigational hazard; completed removal of the final steel derelict barge and completed dredging the area in front of the CSO tanks. The completing contractors also completed injection of expandable grout in the CSO tanks and installation of concrete fill in the CSO tanks.**

The Surety's mechanical and civil completing contractor also completed injection of expandable grout in the CSO tanks and installation of concrete fill in preparation for performing the tank leakage testing; final CSO tank leakage test began during the final week of December with results to be determined in January 2010.
 - ◆ DEP issued a Notice of Force Majeure regarding changes to navigational conditions in Paerdegat Basin on June 10, 2009. A sand bar was identified near the mouth of Paerdegat Basin that could not be cleared with conventional construction and dredging barges. The removal of this obstruction, **which required modifications to the Paerdegat Basin CSO-4B dredging permit, was completed in October.**
 - ◆ **On December 4, 2009, DEC issued a Determination related to its March 27, 2009 NOV and the 4B work, granting a modification for construction completion of the Foundations and Substructures to December 31, 2009.**
- Phase III - Superstructures and Equipment
 - ◆ Construction work has continued and is approximately **86 percent** complete.
 - ◆ **The 5G Contractor has:**
 - continued installation of the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the Pump Back Building (PBB);
 - continued installation of the sluice and slide gates in the Screenings building and began testing;
 - completed installation of concrete topping throughout the CSO facility except for currently inaccessible areas;

- continued installation of the ornamental fences and gates around the perimeter of the property;
 - continued installation of panels and local control panels for various pieces of mechanical equipment including the Odor Control Vessel Exhaust stacks and exhaust fans;
 - begun disposal of contaminated soil from the excavation of the 5-Barrel Influent Channel and the New Influent Channels;
 - begun construction of the Bergen Avenue roadway and sidewalk with inground lighting; and
 - continued the mandated monitoring program for wetland plants on the north and south sides of the basin.
- ◆ The 5E Contractor has:
- begun installing conduit and supports for the Vehicle Fueling Station;
 - begun tracing and installation conduit routes when necessary in the Existing Pump Station;
 - continued pulling cable and wire to various pieces of equipment in the PBB, OCB and SB;
 - continued terminating conductors for power, control and fire alarm in the PBB, OCB and SB;
 - continued installation of duct banks on the west side of the Pump Back Building, Odor Control Building and Screenings Building;
 - continued pulling and terminating wires to sensors and devices throughout the Process Buildings and CSO tanks;
 - completed installation of light poles on the CSO Tanks; and
 - completed integration of the paging and telephone systems in the Process Building with the operating systems in the CFS Building.
- ◆ The 5H Contractor has:
- continued installation of stainless steel ductwork, plenums and seismic hangers in the process buildings;
 - continued installation of HWS & HWR piping and seismic hangers in the PBB, OCB and SB;
 - continued pulling and terminating control wiring in the PBB, OCB and SB; and
 - continued commissioning test for the boilers and preparations for the follow-up inspection by DEP Bureau of Environmental Compliance.

- ◆ **The 5P Contractor continued performing remedial work in the CFS Building and installation of pipe penetrations through the roof of the PBB, OCB and SB.**

Missed Milestones

- ◆ DEP submitted a Request for Modification of a Minor Milestone associated with the Paerdegat Basin Foundations and Substructures Construction Completion to DEC on December 29, 2008. The basis for this request stems from delays associated with the default of the Foundations and Substructures contractor on December 6, 2007.
- ◆ DEC issued an NOV on March 29, 2009 in connection with the above Minor Milestone. In the course of negotiations, **DEP provided CPM schedules to DEC as requested. On December 4, 2009, DEC granted a modification to December 31, 2009 to complete the dredging, tank test leaking and necessary tank waterproofing.**

Anticipated Activities for Next Quarter

Construction

- Phase II - Foundations and Substructures
 - ◆ **The completing contractor will:**
 - **Complete installation of fill concrete in the PBB Wetwell;**
 - **Complete testing of the slide gates in the Screenings Building;**
 - **Begin removal of soil from Parks and Recreation Property.**
 - ◆ **DEP will submit a milestone certification letter for Construction Completion.**
- Phase III - Superstructures and Equipment
 - ◆ Work will continue on the construction in order to meet the modified milestone date for Construction Completion Date of May 2011.
 - ◆ **The 5G Contractor will continue punch list work in the CFS Building. Contractor will also:**
 - **Complete test of the flushing gates and associated hydraulic piping and panels in the CSO Tanks;**
 - **Complete installation of the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the PBB;**
 - **Continue installation of odor control system including exhaust fans, valves, dampers, stacks and silencers in the OCB;**
 - **Complete testing of the 42-inch CSO force main, 12-inch grit piping and associated valves in the PBB; complete installation of the 10-foot ornamental picket fence and motorized gates around the project site and begin installation of associated security system;**

- **Complete installation of concrete topping on the ground floors of the PBB, OCB and SB;**
- **Continue phased demolition of the existing 5-barrel effluent channel and begin diversionary connection to the new 5-barrel influent channel following the revised MOPO under CO 5G-50;**
- **Begin installation of new equipment in the Existing Pump Station while maintaining operation of the existing facility;**
- **Begin installation of structural steel for 5H exhaust fans EF-7304 and EF-7305 in the SB;**
- **Begin training DEP personnel on various pieces of equipment throughout the CSO Facility.**

- ◆ **The 5E Contractor will:**
 - **Complete punch list work in the CFS Building and begin training of DEP personnel on equipment in the CFS Building;**
 - **Complete installation of the emergency generator and request inspection of the same;**
 - **Complete installation of RGS conduit and conduit racks for lighting and fire alarms in the PBB, OCB and SB;**
 - **Complete installation of RGS conduit and conduit racks for the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the PBB;**
 - **Complete punchlist work in the CB Building;**
 - **Continue testing and terminating cable and wire for site lighting on the north of the CSO Tanks and west of the process buildings;**
 - **Continue installing ductbanks for site lighting and security on the west side of the process buildings;**
 - **Continue ductbank installation for control wire on the west side of the process building;**
 - **Continue pulling, testing and terminating cable and wire to local control panels for various pieces of equipment in the PBB, OCB and SB;**
 - **Continue installation of security system components throughout the property;**
 - **Begin pulling cable and wire to various systems in the Existing Pump Station;**
 - **Begin requesting inspections by the FDNY and NYCDOB Bureau of Electrical Controls.**

- ◆ **The 5H Contractor will:**
 - **Complete punchlist work in the CFS Building;**

- **Complete installation of stainless steel ductwork in the PBB, OCB, SB and CSO tanks;**
- **Complete field testing of the permanent hot water boilers;**
- **Complete installation of seismic restraints and insulation for various types of piping and ductwork in the PBB, OCB and SB;**
- **Complete testing of refrigerant piping in the PBB and OCB;**
- **Begin installation of exhaust fans EF-7304 and EF-7305 in the SB;**
- **Begin training DEP personnel on various pieces of equipment and systems.**
- ◆ **The 5P Contractor will:**
 - **Complete remedial work in the CFS Building;**
 - **Complete installation of vent piping in the PBB, OCB and SB;**
 - **Begin training DEP personnel on various pieces of equipment.**

Table 9 – Paerdegat Basin CSO Projects

| | <i>Phase IA</i> | <i>Phase II</i> | <i>Phase III</i> |
|---------------------|---|--|---|
| Construction Phase: | Influent Channels | Foundations and Substructures | Structures and Equipment |
| Location: | Flatlands and Ralph Avenues, Brooklyn, NY | West Shore of Paerdegat Basin | West Shore of Paerdegat Basin |
| Actions: | Construction of the influent channels to the CSO facility | Underground structural elements | Aboveground buildings and equipment |
| Cost: | \$9,000,000 | \$ 124,702,795 | \$ 192,663,000 |
| Status: | Construction completed. | NTP issued on 6/24/02. Construction 97% complete. | NTP issued on 9/26/05. Construction 86% complete. |
| Other Issues: | - | The Contractor was held in default in December 2007. The Surety has since submitted three completion contractors for different work. All completing contractors have begun working and one, has completed their work. A change order was initiated and negotiated to remove a sand bar which was a navigational hazard delaying the remaining dredging work. The removal of this sand bar was completed in October 2009. | After activation of the first two channels of the 5-Barrel a tidal event occurred flooding the system. |

3.5. Flushing Bay CSO

Flushing Bay CSO Retention Facility

The Flushing Bay CSO Retention Facility is an underground storage tank, which has a storage capacity of 43 million gallons, 28 MG in the tank and 15 MG in the upstream sewers. The project was constructed in phases to provide abatement in the Tallman Island WPCP drainage area at CSO Outfall TI-010 which discharges to the head of Flushing Creek. The elements of the facility include:

- ◆ Relocation of ball fields in Kissena Corridor
- ◆ Rerouting of Park Drive East CSO line inside the construction site and construction of the effluent channel
- ◆ Phase 1 construction of the underground structural elements of the tank
- ◆ Phase 2 construction of the mechanical and above-ground portion of the facility
- ◆ Construction of tide gates on the tank outfall sewer and construction of two (2) soccer fields

A written Notice of a Force Majeure Event was submitted to DEC on September 24, 2004. This event affected compliance with the Construction Completion milestone date of December 2004 for the Flushing Bay CS4-4 (Mechanical Structures) in the Order.

On September 8, 2004, rainfall at LaGuardia Airport was recorded by the National Weather Service at three inches in a three hour time period. This torrential rain event caused flooding in the basement of the Flushing Bay facility due to a breach in a temporary construction bulkhead in the influent sewer line to the facility. Water levels reached seven to eight feet above the basement floor at the CSO facility which caused damage to various mechanical, HVAC and electrical equipment.

DEC requested that DEP provide additional information in a formal report concerning the force majeure event and resultant impact upon the facility and construction status. DEP submitted such report on April 1, 2005.

DEP submitted a Construction Completion certification letter to DEC on May 31, 2007 for the CSO Retention Facility. The DEC issued a Notice of Violation (NOV) on July 15, 2008 for failure to meet the conditions of the Construction Completion Milestone for CS4-4 (V.F.4 of the CSO Consent Order). This NOV was resolved and a construction completion date of September 2009 was included in the 2009 Modification to Order on Consent (DEC Case # CO2-20090318030).

The 2009 Modification to Order on Consent included another date modification for the Flushing Bay CS4-4 milestone, as well as an Appendix B containing requirements for corrective actions at the Flushing Bay CSO Retention Facility related to flow metering, odor control systems, bar screens, and Tallman Island Regulator 9.

Tallman Island Wet Weather Maximization

The 2008 Modification to Order on Consent included a date modification for the Flushing Bay CS4-4 milestone, as well as the addition of item V.J. "Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event." The project was transferred from the 1999 Omnibus IV Consent Order to the CSO Consent Order and includes a new interceptor to parallel the Main Interceptor; a new Throttling Facility at the Tallman Island WPCP and Regulator improvements at 10, 10A, 10B and 13.

Work Performed During This Quarter

Design

- Tallman Island Wet Weather Maximization
 - ◆ **Completed and submitted 30% design documents for Contract No. 1 – New Whitestone Interceptor, Throttling Facility & Regulator Improvements; including:**
 - Preliminary Design Report
 - Subsurface Investigation Report
 - Geotechnical Evaluation Report
 - Environmental Site Investigation Report
 - Contract drawings
 - Key detailed specifications
 - Class 3 construction cost estimate
 - ◆ **Participated in the Value Engineering (VE) Session for Contract No. 1 with the NYC Office of Management and Budget (OMB) during the Week of November 16-20. The official VE Report was issued by OMB on December 30, 2009.**
 - ◆ **Held an in-house 30% document review meeting with representatives from the BEDC, BWT, In-House Design and the design consultant in attendance.**
 - ◆ Continued coordination with NYCDPR regarding property encroachments along the proposed route of the new Whitestone Interceptor.
 - **DEP Legal transmitted a letter to NYCDPR Legal on October 29, 2009 outlining the need to: initiate discussions related to the property encroachments; and resolve any potential issues associated with parkland alienation. A follow up meeting was held between DEP & NYCDPR on December 16, 2009 to discuss the identified issues.**
 - **On December 24, 2009, NYCDPR Legal sent certified letters to each of the encroaching property owners giving them 30-days to remove their property from City owned land.**
 - ◆ **Closed out the NYCDPR work permit associated with drilling geotechnical and environmental borings within Powells Cove Park. Continued preparation of**

documents required for closing out the NYSDEC permit for the same borings within the tidal wetland adjacent areas of Powells Cove Park.

- ◆ Continued preparation of Draft #2 of the EAS.
- ◆ Continued hydraulic analyses associated with throttling influent flow
- ◆ **Initiated work on the 60% design submittal.**

Construction

- Flushing Bay CSO Retention Facility
 - ◆ DEP submitted a Construction Completion certification letter to DEC on May 31, 2007 for the CSO Retention Facility. The DEC issued a Notice of Violation (NOV) on July 15, 2008 for failure to meet the conditions of the Construction Completion Milestone for CS4-4 (V.F.4 of the CSO Consent Order). **This NOV has been resolved through a 2009 Modification to the Order. The new construction completion date for CS4-4 is September 2009.**
 - ◆ DEP has responded to eight of the nine newly-established Appendix B requirements. Certification letters are attached. The ninth item is Item 1(b), which requires the submission of effluent overflow volumes on a monthly basis. This milestone is contingent on DEC approval of the submittal under 1(a) related to metering methodology, and as of the end of the third quarter of 2009 no approval had been received on the methodology DEP submitted on July 31, 2009.
 - ◆ DEP received unofficial comments from DEC on September 24, 2009 for the flow metering submittals and is working to revise the flow-metering methodology accordingly.
 - ◆ Final inspection by DEC occurred on September 16, 2009 rather than September 1, 2009 per DEC's request. During final inspection, DEP demonstrated use of the odor control system and bar screens, milestones 2(c) and 3(b), respectively.
 - ◆ The Chemical Bulk Storage (CBS) registration and variance applications associated with the Odor Control System were certified as submitted on September 1, 2009. Start-up of the Odor Control System was certified on June 30, 2009, and construction completion was certified on September 1, 2009. These are milestones 2(a), 2(b), and 2(d), respectively.
 - ◆ Reports on the repairs of the Bar Screens were certified on August 25, 2009. This is milestone 3(a).
 - ◆ Milestone 4(a), the submission of the Tallman Island Regulator 9 SCADA report, was certified on May 29, 2009.

Anticipated Activities for Next Quarter

Design

- Tallman Island Wet Weather Maximization

- ◆ **Continue work towards the 60% complete design milestone.**
- ◆ Continue addressing legal issues with property encroachment along proposed Whitestone alignment.
- ◆ **Initiate work on project permitting, most notably the applicable NYCDPR permits and the NYSDEC/USACE Joint Application Permit.**
- ◆ Continue work on Draft #2 of the EAS.
- ◆ **Prepare responses to the Value Engineering Report issued by NYCOMB.**

Construction

- Flushing Bay CSO Retention Facility
 - ◆ **Contractor to continue punchlist activities.**

Table 10 – Flushing Bay CSO Projects

| | Flushing Bay CSO Tank | TI Wet Weather Maximization |
|----------------|---|---|
| Plan Elements: | Flushing Bay CSO Retention Facility | Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event |
| Location: | Intersection of College Point Boulevard and Avery Avenue, Queens | New section of the Whitestone Interceptor from the existing Junction Chamber at the intersection of 11 th Avenue and 130 th Street to the WPCP; Throttling Facility at WPCP headworks, College Point, Queens Regulators 10, 10A, 10B and 13 |
| Actions: | Design and construction of a 43 MG storage facility, which includes a 28 MG, underground storage tank and 15 MG in-line storage in upstream sewers. The facility collects flow from the system tributary to the TI-010 outfall. | Design and construction of a new interceptor; a new throttling facility at the Tallman Island WPCP and improvements to regulators 10, 10A, 10B, and 13 |
| Cost: | \$291,000,000 | \$39,500,000 |
| Status: | Construction Completion certified on 5/31/07; DEC issued NOV 7/15/2008; Consent Order Modification 9/3/09 established new Construction Completion date of September 2009 | Design 30% complete |
| Other Issues: | 2009 Consent Order Modification included required corrective actions at the Flushing Bay CSO Retention Facility | |

3.6. Jamaica Tributaries CSO

The Jamaica Tributaries project area includes the Jamaica WPCP sewer shed area and the tributaries, which receive the wet weather discharges from the drainage area. These tributaries include Bergen, Thurston, Shellbank, and Hawtree Basins, which are located in the northeast portion of Jamaica Bay. There are several recommendations that are being advanced in this facility plan which include:

- ◆ Meadowmere & Warnerville DWO Abatement – Construction of a new pumping station, force main, and sanitary sewer collection system in southeast Queens, NY, to convey flows from the communities of Meadowmere and Warnerville into the Jamaica drainage area collection system, for treatment at the Jamaica WPCP. This project will eliminate the dry weather discharge that is currently occurring in these two communities, which are not connected to NYC’s collection system.
- ◆ Expansion of Wet Weather Capacity of Jamaica WPCP – An additional 50 MGD of wet weather flow will be treated at the Jamaica WPCP to reduce the CSO discharges to Bergen Basin. Recent analyses indicate that this element has limited water quality benefits. Alternative actions have been analyzed and included in the Waterbody/Watershed plan that was submitted to DEC in June 2007.
- ◆ Destratification Facility – Installation of a permanent diffused-air bubble mixing system at Shellbank Basin. The system is designed to eliminate temperature stratification during the summer season, which leads to poor water quality conditions in the basin, odors and marine life kills. This element currently has an operating pilot facility, which has produced positive water and air quality results for the past 9 summer seasons.
- ◆ Laurelton and Springfield Blvd. Drainage Plan – A drainage plan for 7,000 acres in southeast Queens is being developed to address flooding and to construct high-level storm sewers in a 1,450 acre CSO drainage area tributary to Thurston Basin. The drainage plan identifies the necessary capital sewer projects to alleviate flooding and convert the aforementioned CSO area to a high-level storm sewer system.
- ◆ Regulator Automation – Automation of key regulators was recommended in response to the 1988 State Pollution Discharge Elimination System (SPDES) permit requirements that called for telemetry in the regulators to detect dry weather overflows. It was recommended at those regulators contributing the largest flows to the treatment plants, specifically Regulators 2, 3, and 14 in the Jamaica WPCP drainage area. The Citywide Collection Facilities Supervisory Control and Data Acquisition (SCADA) System Project will automate key regulators in the City by installing electro-hydraulic actuators capable of controlling flows to the sewer interceptor.

Work Performed During This Quarter

Planning

- Drainage Plan
 - ◆ BWSO submitted the Laurelton and Springfield Blvd. drainage plan for storm sewer buildout on May 31, 2008 in accordance with the modified date granted by DEC in February 2008. DEC accepted the submittal in July 2008.

Design

- Destratification Facility
 - ◆ **Contract documents were approved by the New York City Law Department on December 3, 2009. After contract documents were finalized and prepared for bid, bid advertisement was issued on December 22, 2009. The bid opening is scheduled for February 4, 2010.**
 - ◆ **Building permit application was submitted to Department of Buildings for construction approval on December 21, 2009.**
- Expansion of Wet Weather Capacity of the Jamaica WPCP
 - ◆ DEP submitted a revised Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP to DEC on November 14, 2008. The basis of the original Request for Modification was the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, DEC requested that the schedule in the original Request for Modification be revised to achieve construction completion in a similar time frame as the currently mandated projects and include a period to conduct field flow measurements. To date, no written response to the November 14, 2008 submittal has been received. **The DEP and DEC have continued discussing this proposed modification and last discussions took place during the December 10, 2009 CSO technical meeting.**

Construction

- Regulator Automation
 - ◆ Construction activities continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections, obtaining necessary permits and performing change/modification work.
 - ◆ **Negotiation meeting for Change Order No. 12 and 13 occurred on October 29, 2009. All negotiation meetings involved the Construction Manager, Design Engineer, Contractor, and DEP.**
 - ◆ **Weekly construction meetings occurred on October 1, October 8, October 15, October, 29, November 5, November 20, December 3, December 10, December 17 and December 30, 2009. Monthly Progress Meetings occurred on October 15, November 19 and December 17, 2009.**

- ◆ **CPM Schedule update 13R, which was submitted on October 7, 2009, showed a construction completion date of April 11, 2010, which shows acceleration of work before the consent order date. The schedule update 13R was accepted with comments. CPM Schedule Update 15, which was submitted on November 15, 2009, showed a construction completion of June 12, 2010 which is delayed by 43 calendar days from previous schedule. The delay in the schedule is due to change order registration for Change Order Nos. 9 through 12 and the factory acceptance test for the back panels. The schedule update 15 was accepted with comments. CPM schedule update 16 was received on December 16, 2009 and shows the same completion date as the previous update. The schedule update 16 is currently being reviewed.**
- **Meadowmere/Warnerville**
 - ◆ **Continued DSDC activities for the Meadowmere & Warnerville project. Construction is 99% complete, with 100% of the CSO Consent Order work completed. G and E contractors are completing final punch-list items and extra Change Order work.**
 - ◆ **The Electrical Contractor has completed the change order modifications to the electrical and wiring equipment in the wet wells.**
 - ◆ **The G contractor continues the negotiations on the ongoing miscellaneous change order work (CO G-13, associated with EH&S items).**
 - ◆ **A Monthly Construction I&T meeting was held on October 21, 2009. The November and December meetings were cancelled.**
 - ◆ **DEP Final Acceptance (Article 16) inspections were held on November 4.**
 - ◆ **Electrical Issues site-inspection was held by the design engineer on November 19 to investigate final issues and change order items still outstanding.**
 - ◆ **The CM and design engineer staff continued final permitting activities regarding DOB TR-1 signoffs, controlled inspections, Certificate of Occupancy and Builder's Pavement Plan.**

Anticipated Activities for Next Quarter

Design

- **Destratification Facility**
 - ◆ **Respond to bidder questions regarding contract documents. After bid opening, review bid proposals and submit bid evaluation report.**
 - ◆ **Meet with Permit Resource Division and submit regulatory transition plan.**

Construction

- **Regulator Automation**

- ◆ **Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and commencing start up services.**
- Meadowmere/Warnerville
 - ◆ **G and E contractors to: complete punchlist items and remaining change order work; continue with training and O&M activities.**
 - ◆ Continue permitting activities and filing with DOB on various requirements.
 - ◆ **Begin training tasks for DEP operations personnel.**

Table 11 – Jamaica Tributaries CSO Projects

| | | | | | |
|--|--|--|--|---|-----------------------------------|
| Plan Elements: | Meadowmere & Warnerville DWO Abatement | Expansion of Wet Weather Capacity of Jamaica WPCP | Destratification | Laurelton and Springfield Blvd. Drainage Plan | Regulator Automation |
| Location: | Meadowmere and Warnerville – Queens, New York | Bergen Basin | Shellbank Basin | Jamaica WPCP Drainage Area | Regulators 2,3 and 14 |
| Actions: | Construction of a Pumping Station, Sewer Collection System, and Dual Force Main | Provide an additional 50 mgd of wet weather capacity at the Jamaica WPCP. | Conduct Demonstration Construct Permanent Facility | Develop drainage plan for storm sewer build out | Provide automated regulators |
| Construction Cost: | \$37,637,569 | \$120 million | \$3,800,000 | To be determined | \$15,721,000* |
| Status: | Construction 99% complete. DSDC activities continued. Construction Completion Milestone met. | Recent analyses indicate that this element has limited water quality benefits. A Modification Request was submitted to allow for sewer system modifications as well as post construction flow monitoring to quantify maximum flows to the treatment facility | Contract advertised for bid solicitation. Awaiting review comments for permit approval. | Drainage planning complete. | Construction 76% Complete. |
| *Note – Construction cost represents original contract amount for REG-026. | | | | | |

3.7. Coney Island Creek CSO

The recommended plan for the Coney Island Creek CSO Facility Planning Project is to increase the wet weather pumping capacity of the Avenue V Pumping Station. The Avenue V Pumping Station tributary area encompasses 2,900 acres, of which 2,056 acres are separately sewered and 844 acres have combined sewers. The Avenue V Pumping Station capacity will be increased to capture 85 percent, by volume, of the current CSO discharge from outfall OH-021 to Coney Island Creek. The capacity of the pumping station will be increased from approximately 30 MGD to 80 MGD in two construction contracts, a pumping station upgrade phase and a force main construction phase.

Work Performed During This Quarter

Design

- Avenue V Pumping Station Upgrade
 - ◆ DSDC activities continued, including:
 - Shop Drawing Review
 - Coordination Drawing Review
 - Change Order Preparation
 - Main Building Structural Inspection.
 - Architectural Terra Cotta Inspection.
- New Force Mains
 - ◆ DSDC activities continued, including:
 - SPDES Preparation
 - LI Well Permit Preparation
 - Shop Drawing Review
 - Change Order Preparation

Construction

- Avenue V Pumping Station Upgrade
 - ◆ Work during the quarter included:
 - Operation and Maintenance of the Temporary Pumping System.
 - Operation and Maintenance of Dewatering System.
 - **Installation of scaffolding for Main Building Roof Reconstruction**
 - **Demolition and Removal of Main Building Roof for Reconstruction.**
 - **Demolition of Existing Wet Well.**

- **Installation of Support of Excavation for Wet Well.**
- **Remediation of Hazardous Material.**
- **Core Drill Main Building Foundation.**
- **Architectural Terra Cotta Mock-Up Preparations.**
- **Construction of Main Building Concrete Columns and Shear Walls.**
- **Construction of Concrete Meter Vaults.**
- **Miscellaneous Installations for Temporary Construction Power.**
- **Installation of Roof Drain downspout piping.**
- General Site Maintenance.
- New Force Mains
 - ◆ **Construction activities during this quarter included:**
 - **Open Cut Pipe installation (Approximately 80% complete)**
 - 42" – Verrazano Bridge to Bay 8th St. Bay 8th St. to Bay Parkway (WIP); Bay Parkway to Bay 40th St.
 - Total: 12,597 LF
 - 48" – Bay 16th St. to Bay Parkway; Bay Parkway to 25th Ave.
 - Total: 6,290 LF
 - Majority of open cut work pending is to be completed in the street portion. 95% of the force main is completed along the Belt Parkway.
 - **Jacked casing pipe installation (Approximately 100% Complete)**
 - **66" casing pipe for 42" carrier pipe – Total: 1373 LF with carrier pipe.**
 - 66" casing for 48" carrier pipe – Total: 540 LF installed with carrier pipe.
 - **Jacking operation at Bay Parkway complete.**
 - **Microtunneling pipe installation (Approximately 86% Complete)**
 - **60" casing pipe installed for 48" carrier pipe. – Total: 3,040 LF (86% of 48").**
 - **60" casing pipe installed for 42" carrier pipe. – Total: 1,690 LF (86% of 42").**
 - **Cropsey Ave. – Final microtunneling push**
 - Change Order Work: Installation of access manholes for air valves.
 - **Preliminary Leakage tests at previously installed force main.**
 - **Fall landscape restoration along Belt Parkway.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- **DSDC Activities**

Construction

- Avenue V Pumping Station Upgrade
 - ◆ **Operation and Maintenance of Temporary Pumping System.**
 - ◆ **Operation and Maintenance of Dewatering System.**
 - ◆ **Demolition of Existing Wet Well.**
 - ◆ **Installation of Wet Well Mini-piles.**
 - ◆ **Construction of Concrete Ring Beam Columns and Shear Wall.**
 - ◆ **Installation of Foundation Grout.**
 - ◆ **Construction of Concrete Meter Vaults.**
 - ◆ **Construction of New Concrete Roof.**
 - ◆ **Reconstruction/Repair of Structural Components inside Main Building /MER.**
 - ◆ **New Con Ed Service for Temporary Construction Power for Main PS Building.**
 - ◆ Installation of Electrical Conduit and Concrete Duct Banks.
 - ◆ **Installation of Plumbing drains/vents at office and HVAC Flue at SW Shear wall.**
 - ◆ General Site Maintenance.

- New Force Mains
 - ◆ **Open cut single pipe installation (42" DIP) in the vicinity of 20th Ave. outfalls.**
 - ◆ **Installation of 42" DIP @ Bay 8th St.**
 - ◆ **Subcontractor Northeast Remsco to complete 42"/48" carrier pipe installation below Cropsey Ave. from Jacking Pit O to Receiving Pit N (Bay 40th St.) and P (27th Ave.)**
 - ◆ **42"/48" DIP connections at Bay Parkway.**
 - ◆ **Installation and maintenance of wells for dewatering as per NYSDEC permits.**

- ◆ **Tree remediation activities.**
- ◆ **Prepare for landscape restoration and tree planting. (Verrazano Bridge to Bay 40th St.)**
- ◆ **Open Cut force main installation (42"/48" DIP) on 27th Ave. Intersections (Harway, Bath/& from Bath to Stillwell Ave).**
- ◆ **Start open cut force main installation (42"/48" DIP) on Ave V.**
- ◆ **Continue installation and removal of steel sheeting as necessary.**
- ◆ **Leakage tests for installed pipe.**
- ◆ **Clean and inspect SE-133.**
- ◆ **Bay 16th Str.-Complete 48" force main connections @ Pit Y & X.**
- ◆ **Structural work at discharge chambers (CO # 2).**
 - **48" discharge chamber at Bay 16th St. & Bath Ave.**
- ◆ **Continue installation of air valves and access manholes (CO # 1).**

Table 12 – Coney Island Creek CSO Projects

| | <i>Contracts PS-79G, H, P, E</i> | <i>Contract PS-79F</i> |
|----------------|---|---|
| Plan Elements: | Upgrade Avenue V Pumping Station | New Force Mains |
| Location: | Avenue V PS (Avenue V and West 11th Street) | 42-inch to SE-133 (Shore Pkwy. Vic. Verrazano Bridge); 48-inch to vic. Reg. 9A |
| Actions: | Comprehensive upgrade to automate and increase station capacity to 80 mgd; Lower Wet Well operating level to reduce sewer surcharges; Network Protector Structure to reliably transform utility power; Generator system to improve station reliability; Architectural restoration of Main Building to 1915 appearance | New force mains to convey DWF and WWF |
| Cost: | \$68,307,000 | \$97,756,000 |
| Status: | Notice to Proceed issued on 12/16/05. Construction is 50% complete. | Notice to Proceed issued on 7/23/07. Construction is 80% complete. |

3.8. Newtown Creek CSO

The Newtown Creek CSO Facility Planning area consists of the areas in Brooklyn and Queens from which wet weather runoff drains to the Newtown Creek waterbody and its branches: English Kills, Dutch Kills, Whale Creek, Maspeth Creek and the East Branch. For this CSO planning area, the Waterbody/Watershed Facility Plan, still under review by the DEC, proposes some modifications to the consent order milestones that will ultimately achieve better CSO capture and result in improved water quality, as permitted in the Order in Section III, Paragraph A, Section 3.

This section reports on the progress of facility planning and design of the existing CSO plan, subject to modifications by the Waterbody/Watershed Facility Plan, and includes 1) maximizing flow through the Morgan Avenue Interceptor, 2) the construction of in-stream aeration facilities (Zone I & II) and 3) the construction of an off-line storage tank.

Maximizing flow through the Morgan Avenue Interceptor will include raising the overflow weir in Regulator B1; increasing the sluice gate openings to the interceptor; providing a relief sewer from the St. Nicholas weir to Regulator B1; and providing a throttling gate on the Kent Avenue Interceptor. The Aeration Facilities (Zone I) includes construction of a landside compressor station and installation of an air header in the creek bottom of the Upper English Kills. Based upon the performance evaluation of the Zone I aeration testing, Zone II aeration may be implemented to expand in-stream aeration to include the Lower English Kills, the East Branch and Dutch Kills. The off-line storage facility will control CSO discharge to the English Kills and will include a 9 million gallon tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.

Subsequent to the Newtown Creek WB/WS Facility Plan submittal of June 2007, the DEP analyzed additional alternatives to reduce CSOs to Newtown Creek and the East River, including control measures beyond those listed in the 2007 Plan. Based on these analyses and on ongoing discussions between DEP and DEC, DEP proposed to modify the mandated elements currently in the CSO Consent Order constructing a much larger relief sewer in the Newtown Creek drainage area, bending weirs at targeted regulators, and additional floatables controls at targeted regulators and outfalls. In addition, the goals of the Zone II Aeration project have been realigned towards higher dissolved oxygen levels. The projects included in the Modification Request are expected to contribute to improved water quality in a cost-effective manner.

The Modification Request was submitted by DEP to DEC in April 2009. DEC granted a 60-day extension to August 2009 for items VIII.E.2 and VIII.F.3. on June 24, 2009, and requested additional information to assist in their review. on August 27, 2009. DEP responded to these, and on October 30, 2009 requested an additional extension of time to February 2010, at which time DEP committed to submitting reports related to the Zone I Aeration data collection and analysis.

Work Performed During This Quarter

Planning

- Off-line Storage Tank
 - ◆ No actions to report this quarter.

Design

- Maximize Flow to Morgan Ave. Interceptor
 - ◆ The Department awarded and registered a contract with URS Corporation for Engineering Services for St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- Phase 1 Aeration Facility
 - ◆ DEP submitted a Certification of Construction Completion letter to DEC for the Zone 1 Aeration work on December 31, 2008, in compliance with the Consent Order milestone. The facilities necessary to operate the Zone 1 Aeration are complete. The DEC granted a Certification of Construction Completion on February 25, 2009.
 - ◆ **Remaining work not related to the operational intent is on-going.**
 - ◆ Start-up of the Aeration Facility occurred on June 25, 2009; however, due to hydrogen sulfide odors, the Facility was shut down on the afternoon of June 26 until the conditions could be assessed and addressed. The facility was re-started on July 7, 2009 and ran through September 2009, with coincidental dissolved oxygen and temperature data collection.
 - ◆ Sampling for the First Year Post-Operational Habitat Monitoring was performed. **These data continue to be evaluated as they become available.**
- Phase 2 Aeration Facilities
 - ◆ Preliminary design continues on adding a third blower to Phase I Aeration Facilities that will be used to supply air to the Lower English Kills.
 - ◆ Site investigations continue to locate suitable locations for a possible aeration facility for the Newtown Creek.
 - ◆ Aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system that is being installed in Phase I are being investigated.
 - ◆ Reports were prepared and reviewed recommending properties to locate Aeration Facilities along the East Branch and Dutch Kills waterbodies.
 - ◆ Preliminary design on Aeration Facilities for the East Branch and Dutch Kills waterbodies has begun and is evaluating the viability of targeting a dissolved oxygen concentration of 3 mg/L, as specified in the WWFP.
 - ◆ The 30% design completion contract drawings for the addition of a third blower to the Phase I Aeration Facilities and associated aeration system for the lower English Kills was completed on January 30, 2009.
 - ◆ Site selection reports for the aeration facility locations for Dutch Kills and the East Branch were completed on March 12, 2009.

- ◆ A preliminary design report for the aeration facilities for Dutch Kills and the East Branch was completed on March 12, 2009.
- ◆ The 60% design completion Contract Drawings and Specifications for the addition of a third blower to the Phase I Aeration Facilities and associated aeration system for the lower English Kills was started.
- ◆ **The DEP has started discussions with the New York City Economic Development Corporation on the use of an empty property located at 58-26 47th Street, Queens to locate an aeration facility for the Upper Newtown Creek and East Branch.**

Construction

- Phase 1 Aeration Facilities
 - The overall construction of the Phase I Aeration Facilities is 100 percent complete. During the quarter, the NC-EK11G, NC-EK11E and NC-EK11H Contractors performed the following work:
 - **NC-EK11G**
 - **Trained DEP personnel on equipment operation for Facility.**
 - **NC-EK11E**
 - **Trained DEP personnel on electrical equipment operation for Facility.**
 - **NC-EK11H**
 - **Trained DEP personnel on HVAC equipment operation for Facility.**
- Maximize Flow to Morgan Ave. Interceptor
 - ◆ Kent Avenue Throttling Facility design has been completed. Construction of this facility is included in the Newtown Creek WPCP Upgrade-Contract NC-36.
 - ◆ DEP certified that the Notice to Proceed to Construction for the Kent Avenue Throttling Facility had occurred prior to the June 2009 milestone in a letter dated September 29, 2009. The construction is occurring under Newtown Creek WPCP contract NC-36.

Missed Milestones

- ◆ There are no missed milestones but the DEP will seek to modify the existing consent order to eliminate certain elements and replace with more cost effective elements that achieve similar or greater water quality benefits such as targeting a DO of 3 mg/l for both Zone 1 and Zone 2 as opposed to the 1 mg/L currently required in the Consent Order. DEP submitted a Modification Request addressing these changes on April 30, 2009 that is currently under DEC review.

Anticipated Activities for Next Quarter

Design

- Maximize Flow to Morgan Ave. Interceptor

- Continue design of the Regulator B-1 Modifications.
- Continue design of St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- Phase 1 Aeration Facility
 - Conclude 2009 season start-up, performance sampling in accordance with the FSAP and prepare first year post-operational habitat monitoring report.
- Phase 2 Aeration Facilities
 - Investigate properties that may be used for the East Branch and the northern portion of Newtown Creek and Dutch Kills and the lower southern portion of Newtown Creek; this will decrease the amount of property that be required.
 - Continue evaluation of alternative properties identified for require blower buildings.
 - Continue working on obtaining properties along the East Branch and Dutch Kills for the construction of Aeration Systems for the corresponding waterbodies.
 - Continue design of Aeration Systems for the East Branch and Dutch Kills waterbodies.
 - Continue design on third blower installation in the Phase I Aeration Facility building for the Lower English Kills.
 - Evaluate aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system installed in Phase I.
 - Begin preparation of Damage and Acquisition Maps for proposed aeration facility locations along the Dutch Kills and East Branch.
 - Finish the 60 percent design completion of the third blower installation in the Phase I Aeration Facility building for the Lower English Kills.

Construction

- Phase 1 Aeration Facility
 - **Construction is complete; there are no construction activities scheduled for next quarter.**
 - **Turn over Facility to Bureau of Water Treatment**

Table 13 – Newtown Creek CSO Projects

| | <i>Maximize flow through Morgan Ave. Interceptor</i> | <i>Throttling Facility</i> | <i>Phase 1 - Aeration Facilities</i> | <i>Phase 2 - Aeration Facilities</i> | <i>Off-line Storage Tank</i> |
|---------------|---|--|---|---|--|
| Location: | Regulator B1 and WPCP throttling chamber | Kent Avenue Interceptor upstream from Morgan Avenue Interceptor | Head end of English Kills, south of Grand Street | Dutch Kills and East Branch | Sewers tributary to CSO outfall discharging to English Kills |
| Actions: | Raise overflow weir in R-B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to R-B1 | Continued Construction | Provide aeration to raise DO to a goal of 1.0 mg/l; includes landside compressor station, air header, and diffuser assembly. | Provide aeration to raise DO to a goal of 1.0 mg/l; includes landside compressor station, air header, and diffuser assembly. | Design facility, including tank, pumping station, and gravity drain for treatment at the Newtown Creek WPCP. |
| Cost: | \$10,000,000 | \$1,700,000 | \$65,000,000 (Total for both) | | TBD |
| Status: | Facility plan elements for modifications to regulator and routing of the relief sewer have been completed. A Revised Final Facility Plan Report was submitted to the DEC. Regulator B1 Modifications are being performed under a Task Order Contract. | Construction 33% Complete | Construction 100% complete: DEP certified 12/31/08; DEC approved 2/25/09. Ongoing construction work not related to operational intent. Operated near-continuously from 7/7 through 9/30/09. Sampling, habitat monitoring, and data evaluation ongoing. | Continue design of the Aeration Systems for Dutch Kills and East Branch under Contract NC-EK-IV. | On hold pending submission and approval of Newtown Creek Modification Request |
| Other Issues: | Requires coordination with WPCP planning and design requirements As allowed by the Order, currently subject to modification by the WWFP | | Data report to be submitted to DEC 2/26/2010. | Site selection evaluation report 3/12/09; talks with NYCEDC for use of 58-26 47th St, Queens | Site approval (ULURP) and acquisition of property required. As allowed by the Order, currently subject to modification by the WWFP |

3.9. Westchester Creek CSO

The Westchester Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall HP-014, which discharges at the head end of the Creek. Westchester Creek receives discharges from five CSO outfalls; however, discharges from CSO Outfall HP-014 were determined to be the primary cause of water quality degradation in the Creek. CSO Outfall HP-014 serves a drainage area of approximately 2,321 acres within the Hunts Point WPCP service area in the Borough of the Bronx. For this CSO planning area, the Waterbody / Watershed Facility Plan currently under review by the DEC analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Westchester Creek CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan recommendations, will be constructed in two phases with Phase I consisting of the facilities to divert the combined sewage to the CSO storage tank, as well as rehabilitation of an existing tide gate chamber, and Phase II consisting of the CSO storage tank. In addition to the facilities required for abatement at CSO Outfall HP-014, the DEP has agreed to provide, as part of the project, amenities for use by the Bronxchester and Van Nest Little Leagues that utilize the baseball fields adjacent to the site of the proposed CSO storage tank on the Bronx Psychiatric Center (BPC) Campus. These amenities consist of restroom facilities, a clubhouse facility, a parking lot to be located on top of the CSO storage tank, and fencing to separate the Little League facilities from the BPC Campus facilities and the DEP facilities. This section reports on the progress of the Little League restroom facilities, and Phases I and II of the Westchester Creek CSO Abatement Facilities Plan.

The Little League restroom facilities will be constructed under a separate contract referred to as the Site Preparation Contract in advance of the Phase I contract. Phase I includes construction of the diversion chamber in Eastchester Road, construction of the 2 MG CSO supply/storage conduit along Waters Place between the diversion chamber and the 10 MG CSO storage tank, and rehabilitation of the existing tide gate chamber located at CSO Outfall HP-014. Phase II includes construction of the 10 MG CSO storage tank in the southwest section of the BPC Campus, including an operations building to house operational units, construction of the Little League clubhouse facility and parking lot, and installation of the required fencing at the site.

Work Performed During This Quarter

Planning

- Site Acquisition at BPC Campus
 - ◆ Negotiations continued between New York City Department of City-Wide Administrative Services (DCAS) and the Dormitory Authority of the State of New York (DASNY) regarding acquisition of the site at the BPC Campus by the DEP for the CSO storage tank, and Little League restroom facilities and clubhouse facility.
 - ◆ A Job Hazard Analysis Form to perform the required surveying to prepare a metes and bounds description of a permanent easement along the access road into the BPC Campus

from Waters Place remained under review by the DEP. This easement, which will be from DASNY to the DEP, is needed to serve as an emergency access route onto the northeast section of the project site, and will be included as a stipulation in the Contract of Sale for the site.

Design

- Site Preparation
 - ◆ Work to prepare the Site Preparation Contract for re-bidding remained on hold until the site at the BPC Campus is acquired by the DEP.
- Phase I – Influent Sewers
 - ◆ The DEP is awaiting review comments from the DEC for the Westchester Creek Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.
- Phase II – CSO Storage Facility
 - ◆ The DEP is awaiting review comments from the DEC for the Westchester Creek Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Site Acquisition at BPC Campus
 - ◆ Site acquisition negotiations between DCAS and DASNY will continue.

Table 14 – Westchester Creek CSO Project

| | |
|----------------|--|
| | |
| Plan Elements: | Westchester Creek CSO Supply/Storage Conduit, CSO Storage Tank and Little League Amenities |
| Location: | Bronx Psychiatric Center Campus, and along Eastchester Road and Waters Place in the Bronx |
| Actions: | Design and construction of an underground CSO storage tank with a capacity of 12 MG (including the storage capacity within the supply/storage conduit) to provide abatement at CSO Outfall HP-014 on Westchester Creek; design and construction of an operations building; design and construction of amenities for the Bronxchester and Van Nest Little Leagues |
| Cost: | Under Revision |
| Status: | Negative Declaration issued for project; ULURP Application approved; design underway for CSO supply/storage conduit, CSO storage tank and clubhouse facility for Little Leagues; design complete for restroom facilities for Little Leagues |
| Other Issues: | Site needs to be acquired by DEP from the State of New York; licensing agreement between DEP and the Little Leagues needs to be finalized; NYC Building Permit Application, as well as other permit applications, needs to be processed for restroom facilities for Little Leagues. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan |

3.10. Bronx River CSO

The modified CSO facilities plan for the Bronx River recommends that floatables control facilities be provided at CSO Outfalls HP-004, HP-007 and HP-009, within the Hunts Point WPCP drainage area, to minimize the discharge of unsightly floatable material. This modified plan eliminated the previously proposed 4 MG CSO storage facility due to limited benefits in the improvement of water quality in the Bronx River.

For CSO Outfall HP-004, which is located on the west bank of the Bronx River just north of the Cross Bronx Expressway and serves a drainage area of approximately 582 acres, the recommended floatables control facility consists of providing in-line netting within a new conduit located upstream of the outfall along West Farms Road. For CSO Outfall HP-007, which is located on the east bank of the Bronx River just north of the Sheridan Expressway and serves a drainage area of approximately 1,693 acres, the recommended floatables control facility consists of providing mechanical screens within Regulators 27 and 27A located upstream of the outfall. For CSO Outfall HP-009, which is located on the east bank of the Bronx River near the confluence with the East River and serves a drainage area of approximately 436 acres, the recommended floatables control facility consists of providing in-line netting within Regulator 13, located within Soundview Park upstream of the outfall.

Work Performed During This Quarter

Planning

- ◆ The Negative Declaration for the Bronx River Land Exchange Project EAS is still under review by the NYCDPR.
- ◆ The environmental soil boring investigation and laboratory analysis have been completed.

Design

- ◆ All outstanding constructability issues for the Bronx River Floatables Control Project were resolved in late April 2009.
- ◆ Responses to the NYSDEC review comments for the Notice of Incomplete Application for the Joint Wetlands Permit for the Bronx River Floatables Control Facilities Project were finalized by the NYCDEP on June 11, 2009 for resubmission to the NYSDEC.
- ◆ The NYSDEC issued the Joint Wetlands Permit for the Bronx River Floatables Control Facilities Project on September 4, 2009.
- ◆ The traffic impact study report for Regulator 27 (Outfall HP-007), entitled "Bronx Floatables Expansion of Regulator CSO 27, Traffic Impact Study of Local Detour Route," was finalized, and the DOT was contacted regarding the recommended traffic control plan included in the report. On August 21, 2008, a meeting was held at the project site with DEP and the NYCDOT to discuss and review the MPT plan for Bronx

Park Avenue. A follow-up meeting with the local community board was held to review the impacts of construction from the proposed MPT plan.

- ◆ The Geotechnical Investigation Report for the floatables control facilities, based on the geotechnical borings drilled at the project sites has been completed.
- ◆ The NYCDOT issued traffic stipulations for the local detour route around Bronx Park Ave for the Bronx River Floatables Control Facilities Project.

Construction

- ◆ Construction Contract ER-BR1, Bronx River Floatables Control Facilities, was let out on December 16, 2008, and bids were received for on February 3, 2009, with Northeast Remsco being the Low Bidder with a bid of \$26,473,401.
- ◆ The Bronx River Floatables Control Project, (Contract ER-BR1), was registered by the Comptroller on June 12, 2009.
- ◆ Construction Contract ER-BR1, Bronx River Floatables Control Facilities, was given a Notice to Proceed date of June 22, 2009.
- ◆ The Pre-Construction conference for Contract ER-BR1 was held on June 29, 2009.
- ◆ The Health and Safety Plan was submitted on July 28, 2009 and requires additional responses from the Contractor for approval.
- ◆ **Contractor is submitting vendor approvals, shop drawings and finalizing work permits.**
- ◆ **Contractor is finalizing CPM schedule and analysis.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

▪ *Planning*

- ◆ No activities to report.

▪ *Construction*

- ◆ Approval of the Health and Safety Plan.
- ◆ The construction of the Bronx River Floatables Project will begin.
- ◆ **Final CPM Schedule will be submitted.**
- ◆ **On site construction activities will begin.**

Table 15 – Bronx River CSO Project

| | |
|----------------|---|
| Plan Elements: | Floatables Control Facilities at CSO Outfalls HP-004, HP-007 and HP-009 |
| Location: | New conduit (West Farms Road) upstream of CSO Outfall HP-004, Regulator 27 (Bronx Park Avenue) and Regulator 27A (Bronx Zoo) upstream of CSO Outfall HP-007, and Regulator 13 (Soundview Park) upstream of CSO Outfall HP-009 |
| Actions: | Design and construction of floatables control facilities for CSO Outfalls HP-004, HP-007 and HP-009 |
| Cost: | \$26,473,401 |
| Status: | Bronx River Floatables Control Construction Project has been awarded to Northeast Remsco Construction, Inc. Construction of the Bronx River Floatables Control Facilities Project to begin. |
| Other Issues: | |

3.11. Hutchinson River CSO

The Hutchinson River CSO Facilities Planning area consists of the drainage areas of CSO Outfalls HP-023 and HP-024 in the Hunts Point WPCP drainage area. The Hutchinson River receives discharges from five CSO outfalls; however, discharges from CSO Outfalls HP-023 and HP-024 were determined to be the primary cause of water quality degradation in the River. CSO Outfall HP-023, which is located on the west bank of the Hutchinson River near the southern end of Conner Street, serves a drainage area of approximately 300 acres. CSO Outfall HP-024, which is located on the west bank of the Hutchinson River near the intersection of Boston Road and 233rd Street, serves a drainage area of approximately 1,100 acres. For this CSO planning area, the Waterbody/Watershed Facility Plan, currently under review by the DEC, analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Hutchinson River CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan, will be constructed in two phases with Phase I consisting of a 4 MG CSO storage tank to provide abatement at CSO Outfall HP-023 and Phase II a 3 MG CSO storage tank to provide abatement at CSO Outfall HP-024. This section reports on the progress of Phases I and II of the Hutchinson River CSO Abatement Facilities Plan.

Phase I includes construction of a southern 4 MG CSO storage tank to be located adjacent to the Hutchinson River wholly within the boundary limits of Public Place Site, which is land near the southern end of Conner Street currently controlled by the DPR. Phase II includes construction of a northern 3 MG CSO storage tank to be located adjacent to the Hutchinson River along Hutchinson Avenue on land currently owned by Pascap Export, Inc.

DEC issued a letter to DEP date May 22, 2009 that prompted a series of discussions on the proposed Hutchinson River Waterbody/Watershed Facility Plan, and on July 31, 2009, DEP submitted a proposed sampling plan for the Hutchinson River that DEC approved. Sampling occurred during August and October 2009, and was presented to DEC on October 1 and December 10, 2009. The results of this program have indicated that water quality impairments are due to sources other than CSOs and a more detailed sampling program may be warranted. The DEP is prepared to amend the existing WWFP to better identify causes of impairment based on a more robust sampling program and to further evaluate cost effective alternatives consistent with the EPA CSO Policy.

Work Performed During This Quarter

Design

- Phase I – 4 MG CSO Storage Tank
 - ◆ DEP received comments from the DEC on the June 2007 Hutchinson River Waterbody/Watershed Facility Plan which includes modifications to the elements included in Appendix A of the Order on May 22, 2009. Alternative CSO abatement technologies are under consideration.
- Phase II – 3 MG CSO Storage Tank

- ◆ DEP received comments from the DEC on the June 2007 Hutchinson River Waterbody/Watershed Facility Plan which includes modifications to the elements included in Appendix A of the Order on May 22, 2009. Alternative CSO abatement technologies are under consideration.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ None

Table 16 – Hutchinson River CSO Project

| | |
|----------------|--|
| | |
| Plan Elements: | Hutchinson River CSO Storage Facilities |
| Location: | City-owned property at southern end of Conner Street adjacent to Hutchinson River; privately-owned property along Hutchinson Avenue adjacent to Hutchinson River |
| Actions: | Design and construction of a 4 MG CSO storage tank and a 3 MG CSO storage tank to provide abatement at CSO Outfalls HP-023 and HP-024, respectively; rehabilitation of existing CSO Outfalls HP-023 and HP-024 |
| Cost: | Under Revision |
| Status: | Alternate CSO abatement technologies under consideration |
| Other Issues: | DEC comments on WB/WS Facility Plan received May 22, 2009 |

3.12. Jamaica Bay CSO

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26th Ward WPCP drainage area, specifically the CSO discharges to Fresh Creek, Hendrix St. Canal and Spring Creek, as well as other tributary waters with CSO discharges to Jamaica Bay. The phased plan for the 26th Ward tributaries includes: Phase I includes cleaning of sewers in the 26th Ward drainage area and interim dredging of the head-end of Hendrix St Canal. Subsequent phases include development of waterbody/watershed plans for the 26th Ward tributaries under the Citywide Long Term Control Plan for CSO and expansion of the wet weather capacity of the 26th Ward WPCP by 50 MGD.

In addition to the facility plan recommendations, the existing Spring Creek Auxiliary WPCP **has been upgraded**. The project was developed under another program, but was subsequently listed as a recommended project in the Jamaica Bay CSO Abatement Facility Plan. The Spring Creek AWPCP is a CSO facility that receives flow from the Autumn Avenue Regulator in Brooklyn and the 157th Avenue Regulator in Queens. The flow is conveyed to the plant through six barrels and is distributed to six basins. If stored flow reaches an elevation of 1.0, the 24 effluent sluice gates at the effluent end of each of the basins open, allowing flow to be discharged to Spring Creek.

The key components of the Spring Creek Auxiliary WPCP upgrade include lowering the roof and providing enhanced HVAC and odor control systems, improved chemical systems, and new basin wash down systems.

In order to resolve remaining outstanding requirements of the omnibus Order on Consent dated June 18, 1999 (#R2-0045-93-05, the “Omni IV Order”), DEP and DEC agreed to include the Rockaway Omni IV Order in the 2008 modification to the 2005 CSO Consent. This requires the design of flow upgrades and construction of all necessary facilities to ensure that the Rockaway WPCP and associated sewer system is capable of delivering accepting, and treating influent at or above twice the plant’s design flow during any storm event.

Work Performed During This Quarter

Design

- Hendrix Street Canal Interim Dredging
 - ◆ **A Pre-Award conference was held with Mobile Dredging and DEP personnel as well representatives from the design and construction management consulting firms.**
- Expansion of 26th Ward WPCP Capacity
 - ◆ The 60% design documents for Contract 26W-20 (Preliminary Treatment & Solids Handling Facilities) were submitted by the designer for review in August 2008. Design under this contract includes construction of a new split box to better balance flow between the primary tanks, construction of two new primary tanks to handle additional wet weather flow, and a new solids handling facilities.

- ◆ Contracts 26W-22 and 22F involve the construction of a new main sewage pumping station capable of accommodating the expanded 50 MGD wet weather capacity proposed for the 26th Ward WPCP and designs are underway and are anticipated to be completed beyond existing CSO ACO milestone dates.

Construction

- Spring Creek Auxiliary WPCP Upgrade
 - ◆ Construction activities are nearing completion with change order work remaining to be completed at the Spring Creek Auxiliary WPCP upgrade. The odor control system, generator, boilers, and disinfection system have all been started up and the certification of construction completion was sent to the DEC meeting the April 2007 milestone. Sluice gate issues are being addressed by the Contractor for Contract SC-1G. The Contractor for Contract SC-1H is addressing punch list issues as is the Contractor for Contractor SC-1E. All basins are operational.
- 26th Ward Drainage Area Sewer Cleaning and Evaluation
 - ◆ **Work was completed on the removal of debris from all sewers noted within the Contract CSO-FC contract documents as well as other combined sewers within the 26th Ward drainage area including New Jersey Avenue from Hegeman to Flatlands Avenue; Wortman Avenue from New Jersey Avenue to Hendrix Street; and Hendrix Street from Wortman Avenue to the Hendrix Street Regulator. 13,898 cubic yards of debris were removed.**

Modified Milestones

- Dredging
 - ◆ The DEC agreed to modify the Notice to Proceed to Construction milestone for the Hendrix Street Canal Interim Dredging Project to February 2010 and the Construction Completion milestone for the Hendrix Street Canal Interim Dredging Project to February 2012.
 - ◆ DEP is processing the award folder for the low bidder “Mobile Dredging” but it was held up during the registration process due to delays with Department of Investigation (DOI). The DEP is making best efforts to issue the NTP before the February 28, 2010 modified milestone date.

Anticipated Activities for Next Quarter

- Dredging
 - ◆ Registration of the contract and issuance of a NTP to the dredging contractor for the Hendrix Street Canal Interim Dredging Project.
- Cleaning of Certain Combined Sewers

- ◆ **Completion of restoration activities by the Contract CSO-FC contractor.**
- Expansion of 26th Ward WPCP Capacity
 - ◆ The 90% design documents for Contract 26W-20 (Preliminary Treatment & Solids Handling Facilities) will be under preparation by the designer. Cost estimates for Contract 26W-20 will be updated to reflect changing market conditions.

Table 17 – Jamaica Bay CSO Projects

| Plan Elements: | Dredging | 26 th Ward Drainage Area Sewer Cleaning and Evaluation | Expansion of 26 th Ward WPCP Capacity | Spring Creek Upgrade | Rockaway WPCP Conveyance Improvements |
|----------------|--|---|--|----------------------------------|--|
| Location: | Phase I- Interim Dredging of Hendrix Street Canal | Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues | Phase IV- 26 th Ward WPCP, Brooklyn | Spring Creek, Brooklyn | Rockaway WPCP, Brooklyn |
| Actions: | Removal of CSO sediment mounds from the head end of the Hendrix Street Canal | Contractor initiated work August 2008 | Increase wet weather capacity by 50 mgd | Upgrade of existing CSO facility | Improve collection system and WPCP capacity to achieve 2DDWF |
| Project Cost: | \$13.2 million | \$4.3 million | Estimate Construction Costs: <ul style="list-style-type: none"> ▪ 26W-20: \$211 million ▪ 26W-22: \$401 million⁽¹⁾ ⁽¹⁾ Conceptual estimate | \$87 million | TBD |
| Status: | Contract being Registered. | 100% Complete | Final Design Initiated; 26W-20 Design 90% Complete 26W-22 Design 20% Complete | 100% complete | Construction Completion in December 2017 |
| Other Issues: | Notice to Proceed to Construction and Construction Complete Milestones dates have been modified by the DEC to February 2010 and February 2012, respectively. | - | Contracts 26W-22 and 22F involve the construction of a new main sewage pumping station capable of accommodating the expanded 50 MGD wet weather capacity proposed for the 26th Ward WPCP and designs are underway and are anticipated to be completed beyond existing CSO ACO milestone dates | - | Construction Completion in December 2017 |

3.13. Citywide Comprehensive Floatables Plan

Work Performed During This Quarter

- ◆ The floatables monitoring program completed its transition from a pilot phase to a full scale program as of February 2008. Over the course of 2008, floatables monitoring activities were incorporated into existing programs (listed below) and resulted in roughly 3,700 ratings conducted on 173 separate days at 99 sites. These programs have continued in 2009.
 - 1) Long Term Control Plan post construction compliance monitoring (PCM) - Floatables monitoring was conducted as part of the PCM for the LTCP facilities that have come on line (i.e., Flushing and Spring Creek CSO retention facilities).
 - 2) Harbor Water Quality Survey – Floatables monitoring was incorporated into existing cruise schedules to cover active sites. **During the fourth quarter of 2009, data collected during the year were logged and QAQC'd. Analysis of the data is ongoing.**
 - 3) Public Participation – The Public Participation component is conducted by the New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years. **During the fourth quarter of 2009, data collected during the year were logged and QAQC'd. Analysis of the data is ongoing.**
 - 4) Environmental Benefit Shoreline Cleanup Program –This project was undertaken in connection with the settlement of an enforcement action taken by New York State and DEC for violations of New York State law and DEC regulations (the Nitrogen Consent Judgment).
- ◆ During previous reporting periods, CSO LTCP Waterbody/Watershed reports incorporated general language describing the floatables monitoring program and the inclusion of floatables monitoring as part of the post construction monitoring program for relevant LTCP waterbodies.
- ◆ The CY2008 Floatables Monitoring Program Progress Report was completed during the first quarter of 2009 and submitted to the NYSDEC on April 1, 2009 in conjunction with the CY2008 CSO BMP Annual Report.
- ◆ Based on the CY2008 results of the floatables monitoring program, site-specific investigations of the three sites with the most persistently poor floatables ratings (i.e., Gowanus Canal 9th St Bridge [BS-41], Gerritsen Beach Canton Ave [BS-40], and Staten Island Page Ave [BS-30]) were identified. Dry-weather investigation of these sites was performed on September 8. **Wet-weather investigations of these sites were performed on October 7 and October 27, 2009. An analysis of the data is ongoing.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ **Complete analysis of data collected through the floatables monitoring program.**
- ◆ **Complete and submit the CY2009 Floatables Monitoring Program Progress Report, due April 1, 2010.**

3.14. Environmental Benefits Projects

These projects were undertaken in connection with the settlement of an enforcement action taken by New York State and DEC for violations of New York State law and DEC regulations. The 2008 Modification to the CSO Consent Order requires not less than four million dollars (\$4,000,000) worth of DEP-funded Environmental Benefit Projects (EBPs) designed to abate CSOs and/or address wet weather water quality impacts of CSOs and to benefit the waters in and around New York City. The 2008 Order further stipulates that the Quarterly Reports required by Section IV of the 2005 CSO Order shall include a report on the status of these EBPs and funds expended on the EBPs during the prior quarter, including a detailed EBP status and cost accounting of all funds expended, and general estimates of the costs expected to be incurred during the following quarter.

DEP submitted an approvable CSO EBP Plan to DEC in March 2008 that included the implementation of a suite of stormwater management techniques for the Bronx, Flushing, and Gowanus watersheds. The status of these programs is summarized below. The March 2008 EBP Plan was approved April 28, 2008. DEP has not submitted any alternative EBPs subsequent to the March 2008 submittal.

Work Performed During This Quarter

Bronx River

- ◆ Developing Draft Contract for EDesign Dynamics (Franco Montalto) modeled after the Gaia contract under the Nitrogen Consent Order EBPs.
- ◆ Review of Draft “Invitation to Participate in a Green Infrastructure Pilot Project” (area homeowner survey).
- ◆ Continued refinement of BMP/LID technologies.

Flushing Creek

- ◆ Development and review of Draft Flyer announcing upcoming Stormwater Grant Program.
- ◆ Development of Draft Monitoring Plan for stormwater projects under CSO and Nitrogen Consent Order.
- ◆ Final development of Grant Application to be placed on DEP’s website.
- ◆ Met with DEC to discuss Draft Monitoring Plan and received preliminary comments.

Gowanus Canal

- ◆ Development and review of Draft Flyer announcing upcoming Stormwater Grant Program
- ◆ Development of Draft Monitoring Plan for stormwater projects under CSO and Nitrogen Consent Order.

- ◆ Final development of Grant Application to be placed on DEP's website.
- ◆ Met with DEC to discuss Draft Monitoring Plan and received preliminary comments.

DEC US Forestry Service Grant

- **Issued a letter agreement to Gaia Institute to complete the design of three types of tree pit installations in HP-009 CSO-Shed, bid the work, hire a contractor, oversee the construction of 12 twelve tree pits and complete two-thirds of the construction work. The remainder of the work will be completed with funds from the US Forestry Grant.**
- **Drexel has completed the LIDRA model.**
- **Issued a letter agreement to Riverkeeper to select a location for the Newtown Creek project, select the Green Infrastructure (GI) for the location and complete the design work for the GI. The actual construction work will be funded by the US Forestry Grant.**

Anticipated Activities for Next Quarter

Bronx River

- ◆ Continue draft of proposed contract with EDesign Dynamics.
- ◆ Continue to refine draft monitoring plan.

Flushing Creek

- ◆ Finalize Program Flyer announcement and place on DEP website.
- ◆ Format Grant Application package for placement on DEP website.

Gowanus Canal

- ◆ Finalize Program Flyer announcement and place on DEP website.
- ◆ Format Grant Application package for placement on DEP website.

DEC US Forestry Service Grant

- **Riverkeeper will select a location and GI for the Newtown Creek project and contract with Gaia to begin the design work.**
- **Gaia will complete the design for the tree pits in the HP-009 CSO Shed, prepare the bidding package and solicit bids.**
- **Drexel will conduct a webinar to demonstrate the LIDRA model to the Grant partners.**

Table 18 – 2008 Modified CSO Consent Order Environmental Benefits Projects

| <i>Plan Elements:</i> | <i>Bronx River</i> | <i>Flushing Bay and Creek</i> | <i>Gowanus Canal</i> | <i>DEC US Forestry Service Grant</i> |
|-----------------------|--|--|---|--|
| Location: | HP-009 service area | Exact locations TBD | Exact locations TBD | Bronx River and Newtown Creek CSO-Sheds |
| Description: | <p>Using the Nitrogen Consent Order EBP contract with the Gaia Institute as the template, developed draft contract document for EDesign Dynamics and Franco Montalto. Document was sent to EDesign Dynamics and Drexel University (potential project partner) for review and comment. Received initial comments from DEC on comments received from EDesign Dynamics and Drexel University.</p> <p>Dr. Montalto developed “Invitation to Participate in a Bronx Green Infrastructure Pilot Project”, an invitation to project area homeowners and residents to gauge acceptance of Green Infrastructure on their property or street.</p> <p>Many surveys have been returned to EDesign Dynamics and they will now begin to develop draft BMP/LID stormwater technologies and locations based on the review of these completed surveys.</p> <p>Continued refinement of BMP technologies.</p> | <p>Flyer announcing Stormwater Grant Program was posted on DEP website on December 14, 2009.</p> <p>Continued development and incorporation of comments from DEC on Monitoring Plan for stormwater projects under CSO and Nitrogen Consent Order. Will continue to revise and obtain additional information from other environmental stakeholder groups also installing stormwater BMPs in the region.</p> <p>Final Grant Application for stormwater projects was placed on DEP’s website on December 14, 2009. Official grant application proposal window is now open and will close on February 26, 2010..</p> <p>A workshop for prospective grant applicants is scheduled for January 19, 2010 to be held at DEP.</p> | <p>Flyer announcing Stormwater Grant Program was posted on DEP website on December 14, 2009.</p> <p>Continued development and incorporation of comments from DEC on Monitoring Plan for stormwater projects under CSO and Nitrogen Consent Order. Will continue to revise and obtain additional information from other environmental stakeholder groups also installing stormwater BMPs in the region.</p> <p>Final Grant Application for stormwater projects was placed on DEP’s website on December 14, 2009. Official grant application proposal window is now open and will close on February 26, 2010.</p> <p>A workshop for prospective grant applicants is scheduled for January 19, 2010 to be held at DEP.</p> | <p>Three different types of tree pits will be installed in the HP-009 Sewer Shed in the Bronx by Gaia. Green Infrastructure of another variety will be installed in a CSO shed along the Newtown Creek by Riverkeeper. Drexel University has designed and developed a model called Low Impact Development Rapid Assessment (LIDRA) and will put it on their open source web site and conduct two training sessions for its use by other municipalities. YMPJ will conduct education and stewardship activities in the HP-009 Sewer Shed.</p> |

| <i>Plan Elements:</i> | <i>Bronx River</i> | <i>Flushing Bay and Creek</i> | <i>Gowanus Canal</i> | <i>DEC US Forestry Service Grant</i> |
|-----------------------|---|---|---|---|
| Cost: | Budget: \$850,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0 | Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0 | Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0 | Budget: \$250,000 Cost to date: \$127,250 This Qtr: \$39,643 Next Qtr: \$45,000 |
| Status: | Will continue to work closely with Dr. Montalto in scheduling and completion of companion project tasks for inclusion into development of proposed BMPs and LIDs under this proposal. | Expect to put together a team to review grant proposals concurrently with DEC when grant application window closes. | Expect to put together a team to review grant proposals concurrently with DEC when grant application window closes. | Drexel has completed the LIDRA model. Gaia is completing designs of three types of tree pits for installation in the HP-009 CSO-Shed. Locations for GI are being selected for a Newtown Creek CSO-Shed. |
| Other Issues: | | | | All letter agreements are in place with Gaia, Riverkeeper, Drexel and YMPJ. |

4.0 Compliance Status

4.1. Unresolved Delays

See Section 7.0, Other Issues.

4.2. Compliance Charts

The following table summarizes the milestone dates developed in the draft Consent Order and updates available through **December 2009**:

Table 19 – Consent Order Milestone Dates

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|-----------|------------|
| I. Alley Creek CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Completed | 100 |
| 2. Submit Approvable Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |
| 3. Submit Form 2A SPDES Application | - | June 2003 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 2. Submit Approvable East River Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Outfall and Sewer System Improvements | | | |
| 1. Initiate Final Design | May 1996 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Mar. 2002 | 100 |
| 3. Notice to Proceed to Construction | Dec. 2002 | - | 100 |
| 4. Construction Completion | - | Dec. 2006 | 100 |
| D. CSO Retention Facility | | | |
| 1. Initiate Final Design | May 1996 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Dec. 2005 | 100 |
| 3. Notice to Proceed to Construction | Dec. 2006 | - | 100 |
| 4. Construction Completion | - | Dec. 2009 | 70 |
| E. Drainage Basin Specific LTCPs | | | |
| 1. Submit Approvable Drainage Basin Specific LTCP for | - | Apr. 2010 | 50 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|----------------------------------|------------|
| Alley Creek | | | |
| 2. Submit Approvable Drainage Basin Specific LTCP for East River | - | 6 mos. after approval of I.B.2. | 50 |
| II. Outer Harbor CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Completed | 100 |
| 2. Submit Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Regulator Improvements - Fixed Orifices | | | |
| 1. Initiate Final Design | Jan. 2004 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | April 2005 | 100 |
| 3. Notice to Proceed to Construction | Feb. 2006 | - | 100 |
| 4. Construction Completion | - | July 2008 | 100 |
| D. Regulator Improvements – Automation | | | |
| 1. Initiate Final Design | Feb. 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 2006 | 100 |
| 3. Notice to Proceed to Construction | Nov. 2007 | - | 100 |
| 4. Construction Completion | - | June 2010 | 76 |
| E. Port Richmond Throttling Facility | | | |
| 1. Initiate Final Design | June 2004 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Aug. 2005 | 100 |
| 3. Notice to Proceed to Construction | June 2006 | - | 100 |
| 4. Construction Completion | - | Nov. 2009 | 99 |
| F. Submit Approvable Drainage Basin Specific LTCP for Open Waters | - | 6 mos. after approval of II.B.1. | 50 |
| III. Inner Harbor CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Completed | 100 |
| 2. Submit Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|---|------------|
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Regulator Improvements - Fixed Orifices | | | |
| 1. Initiate Final Design | Mar. 2000 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Sept. 2002 | 100 |
| 3. Notice to Proceed to Construction | Feb. 2003 | - | 100 |
| 4. Construction Completion | - | Apr. 2006 | 100 |
| D. Regulator Improvements – Automation | | | |
| 1. Initiate Final Design | Feb. 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 2006 | 100 |
| 3. Notice to Proceed to Construction | Nov. 2007 | - | 100 |
| 4. Construction Completion | - | June 2010 | 76 |
| E. In-Line Storage | | | |
| 1. Initiate Final Design | July 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 2006 | 100 |
| 3. Notice to Proceed to Construction | Aug. 2007 | - | 100 |
| 4. Construction Completion | - | Aug. 2010 | 75 |
| F. Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal | - | Jan 14, 2010 | 50 |
| G. Flushing Tunnel Modernization | | | |
| 1. Notice to Proceed to Construction | Feb 2010 | - | 100 |
| 2. Construction Completion | - | Sep 2014 | <1 |
| H. Gowanus Pump Station Reconstruction | | | |
| 1. Notice to Proceed to Construction | Feb 2010 | - | 100 |
| 2. Construction Completion | - | Sep 2014 | <1 |
| I. Dredging of Gowanus Canal | | | |
| 1. Submittal of All Dredging Permit Applications | Dec 2010 | | - |
| 2. Notice to Proceed with Dredging | | Within 3 years of final permit issuance | - |
| 3. Complete Dredging | | Within 5 years of final permit | - |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|---------------|------------|
| | | issuance | |
| IV. Paerdegat Basin CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Completed | 100 |
| 2. Submit Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |
| 3. Submit Form 2A SPDES Application | - | July 2002 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report | - | Mar. 2003 | 100 |
| C. Influent Channel | | | |
| 1. Initiate Final Design | Oct. 1994 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Mar. 1997 | 100 |
| 3. Notice to Proceed to Construction | Feb. 1999 | - | 100 |
| 4. Construction Completion | - | Feb. 2002 | 100 |
| D. Foundations and Substructures | | | |
| 1. Initiate Final Design | Oct. 1994 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Aug. 2001 | 100 |
| 3. Notice to Proceed to Construction | June 2002 | - | 100 |
| 4. Construction Completion | - | Dec. 2009 | 97 |
| E. Structures and Equipment | | | |
| 1. Initiate Final Design | Oct. 1994 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 2004 | 100 |
| 3. Notice to Proceed to Construction | Sept. 2005 | - | 100 |
| 4. Construction Completion | - | May 2011 | 86 |
| F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin | - | Nov. 2005 | 100 |
| Submit Joint Application Permit to USACE and DEC to associated with dredging at the head-end and mouth of Paerdegat Basin | | December 2008 | 100 |
| V. Flushing Bay CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Completed | 100 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|--|------------|------------|------------|
| 2. Submit Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |
| 3. Submit Form 2A SPDES Application | - | June 2003 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. CS4-1 Reroute and Construct Effluent Channel | | | |
| 1. Initiate Final Design | Oct. 1992 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Sept. 1994 | 100 |
| 3. Notice to Proceed to Construction | June 1995 | - | 100 |
| 4. Construction Completion | - | June 1996 | 100 |
| D. CS4-2 Relocate Ballfields | | | |
| 1. Initiate Final Design | Oct. 1992 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Sept. 1994 | 100 |
| 3. Notice to Proceed to Construction | Apr. 1995 | - | 100 |
| 4. Construction Completion | - | Aug. 1995 | 100 |
| E. CS4-3 Storage Tank | | | |
| 1. Initiate Final Design | Dec. 1993 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Sept. 1996 | 100 |
| 3. Notice to Proceed to Construction | July 1997 | - | 100 |
| 4. Construction Completion | - | Aug. 2001 | 100 |
| F. CS4-4 Mechanical Structures - Initiate Final Design | | | |
| 1. Initiate Final Design | Dec. 1993 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Feb. 2000 | 100 |
| 3. Notice to Proceed to Construction | Mar. 2002 | - | 100 |
| 4. Construction Completion | - | Sep. 2009 | 100 |
| G. CS4-5 Tide Gates | | | |
| 1. Initiate Final Design | Aug. 1998 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 1999 | 100 |
| 3. Notice to Proceed to Construction | Dec. 2000 | - | 100 |
| 4. Construction Completion | - | Apr. 2002 | 100 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|--|------------|
| H. CD-8 Manual Sluice Gates | | | |
| 1. Final Design Completion Including CPM Analysis | - | May 2003 | 100 |
| 2. Notice to Proceed to Construction | Feb. 2004 | - | 100 |
| 3. Construction Completion | - | June 2005 | 100 |
| I. Drainage Basin Specific LTCPs | | | |
| 1. Submit Approvable Drainage Basin Specific LTCP for Flushing Bay | - | 6 mos. after apprvl. of V.B.1. | 50 |
| 2. Submit Approvable Drainage Basin Specific LTCP for Flushing Creek | - | 6 mos. after apprvl. of V.B.2. | 50 |
| J. Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event | | | |
| 1. Initiate Final Design | Dec. 2007 | - | 100 |
| 2. Final Design Completion including CPM Analysis | - | Dec. 2010 | 30 |
| 3. Notice to Proceed to Construction | Dec. 2011 | - | - |
| 4. Construction Completion | - | Jul. 2015 | - |
| B1. Flow Meters (2009 Modification, Appendix B) | | | |
| a) Submit flow metering protocols | - | Jul. 2009 | 100 |
| b) Include effluent overflow volumes in monthly reports | - | Within 60 days of DEC approval of 1(a) | - |
| B2. Odor Control System (2009 Modification, Appendix B) | | | |
| a) Apply to register CBS & for inspection variance | - | Sep. 2009 | 100 |
| b) Certify completion of start-up and testing | - | Jun. 2009 | 100 |
| c) Demonstrate system to DEC using water | - | Sep. 2009 | 100 |
| d) Certify construction completion | - | Sep. 2009 | 100 |
| B3. Bar Screens (2009 Modification, Appendix B) | | | |
| a) Report on repairs and modifications | - | Jun. 2009 | 100 |
| b) Demonstrate full operation to DEC | - | Sep. 2009 | 100 |
| B4. Tallman Island Regulator 9 (2009 Modification, Appendix B) | | | |
| a) Submit report describing telemetry/SCADA systems | - | May 2009 | 100 |
| VI. Jamaica Tributaries CSO | | | |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|--|------------|------------|-------------------------|
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | April 2003 | 100 |
| 2. Submit Additional Modified Facility Plan Report | - | Feb. 2004 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Meadowmere & Warnerville DWO Abatement | | | |
| 1. Initiate Final Design | Jan. 2004 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | May 2005 | 100 |
| 3. Notice to Proceed to Construction | Jun. 2006 | - | 100 |
| 4. Construction Completion | - | Jul. 2009 | 99⁽¹⁾ |
| D. Expansion of Wet Weather Capacity of Jamaica WPCP | | | |
| 1. Initiate final Design | June 2009 | - | - |
| 2. Submit Form 2A SPDES Application | - | June 2010 | - |
| 3. Final Design Completion Including CPM Analysis | - | June 2011 | - |
| 4. Notice to Proceed to Construction | June 2012 | - | - |
| 5. Construction Completion | - | June 2015 | - |
| E. Destratification Facility | | | |
| 1. Initiate Final Design | Jan. 2006 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Dec. 2007 | 100 |
| 3. Notice to Proceed to Construction | Sep. 2010 | - | 0 |
| 4. Construction Completion | - | Mar. 2012 | - |
| F. Laurelton and Springfield Blvd. | | | |
| 1. Submit Drainage Plan for Storm Sewer Build-out (extension granted by DEC letter, 2/29/08) | - | May 2008 | 100 |
| G. Regulator Automation | | | |
| 1. Initiate Final Design | Feb. 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Nov. 2006 | 100 |
| 3. Notice to Proceed to Construction | Nov. 2007 | - | 100 |
| 4. Construction Completion | - | June 2010 | 76 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|--|------------|--------------|------------|
| H. Drainage Basin Specific LTCPs | | | |
| 1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin | - | Aug. 2012 | 50 |
| 2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin | - | Aug. 2012 | 50 |
| VII. Coney Island Creek CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Apr. 2003 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Avenue V Pumping Station Upgrade | | | |
| 1. Initiate Final Design | April 1998 | - | 100 |
| 2. Final Design Completion including CPM Analysis | - | Jan. 2005 | 100 |
| 3. Notice to Proceed to Construction | Nov. 2005 | - | 100 |
| 4. Construction Completion | - | Apr. 2011 | 50 |
| D. Avenue V Force Main | | | |
| 1. Initiate Final Design | Apr. 1998 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Sept. 2006 | 100 |
| 3. Notice to Proceed to Construction | July 2007 | - | 100 |
| 4. Construction Completion | - | June 2012 | 80 |
| E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek | - | Jan 15, 2010 | 50 |
| VIII. Newtown Creek CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Oct. 2003 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Aeration Zone I | | | |
| 1. Initiate Final Design | Mar. 2001 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Dec. 2004 | 100 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|---|------------|
| 3. Notice to Proceed to Construction | Dec. 2005 | - | 100 |
| 4. Construction Completion | - | Dec. 2008 | 100 |
| D. Aeration Zone II | | | |
| 1. Initiate Final Design | June 2007 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2010 | 20 |
| 3. Notice to Proceed to Construction | June 2011 | - | - |
| 4. Construction Completion | - | June 2014 | - |
| E. Relief Sewer / Regulator Modification | | | |
| 1. Initiate Final Design | June 2007 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2009 | 10 |
| 3. Notice to Proceed to Construction | June 2010 | - | - |
| 4. Construction Completion | - | June 2014 | - |
| F. Throttling Facility | | | |
| 1. Initiate Final Design | Dec. 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2008 | 100 |
| 3. Notice to Proceed to Construction | June 2009 | - | 100 |
| 4. Construction Completion | - | Dec. 2012 | 33 |
| G. CSO Storage Facility | | | |
| 1. Initiate Final Design | Nov. 2010 | - | - |
| 2. Submit Form 2A SPDES Application | - | Nov. 2013 | - |
| 3. Final Design Completion Including CPM Analysis | - | Nov. 2014 | - |
| 4. Notice to Proceed to Construction | Dec. 2015 | - | - |
| 5. Construction Completion | - | Dec. 2022 | - |
| H. Submit Approvable Drainage Basin Specific LTCP for Newtown Creek | - | Feb. 2016 | 50 |
| IX. Westchester Creek CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Apr. 2003 | 100 |
| 2. Submit Form 2A SPDES Application | - | Submit with final design plans & specs | - |
| B. Comprehensive Watershed Planning | | | |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|---|------------|--|------------|
| 1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report | July 2004 | June 2007 | 100 |
| C. Phase I (Influent Sewers) | | | |
| 1. Initiate Final Design | Jan. 2004 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2010 | 20 |
| 3. Notice to Proceed to Construction | June 2011 | - | - |
| 4. Construction Completion | - | June 2015 | - |
| D. CSO Storage Facility | | | |
| 1. Notice to Proceed to Construction | Dec. 2015 | - | - |
| 2. Construction Completion | - | Dec. 2022 | - |
| E. Submit Approvable Drainage Basin Specific LTCP for Westchester Creek | - | Feb. 2016 | 50 |
| X. Bronx River CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Sept. 2003 | 100 |
| 2. Submit Additional Modified Facility Plan Report | - | Mar. 2004 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Floatables Control | | | |
| 1. Initiate Final Design | Jan. 2006 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | July 2008 | 100 |
| 3. Notice to Proceed to Construction | June 2009 | - | 100 |
| 4. Construction Completion | - | June 2012 | 0 |
| D. Submit Approvable Drainage Basin Specific LTCP for Bronx River | - | 6 mos. after approval of X.B.1. | 50 |
| XI. Hutchinson River CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | July 2003 | 100 |
| 2. Submit Form 2A SPDES Application | - | Submit with final design plans & specs | - |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|--|------------|------------|------------|
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Phase I of the Storage Facility | | | |
| 1. Initiate Final Design | Apr. 2005 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2010 | 10 |
| 3. Notice to Proceed to Construction | June 2011 | - | - |
| 4. Construction Completion | - | June 2015 | - |
| D. Future Phases | | | |
| 1. Notice to Proceed to Construction | Dec. 2016 | - | - |
| 2. Construction Completion | - | Dec. 2023 | - |
| E. Submit Approvable Drainage Basin Specific LTCP for Hutchinson River | - | Feb. 2017 | 50 |
| XII. Jamaica Bay CSO | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Dec. 2003 | 100 |
| B. Comprehensive Watershed Planning | | | |
| 1. Submit Approvable Jamaica Bay Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 2. Submit Approvable Spring Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 3. Submit Approvable Fresh Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| 4. Submit Approvable Hendrix Creek Waterbody / Watershed Facility Plan Report | - | June 2007 | 100 |
| C. Spring Creek AWPCP Upgrade | | | |
| 1. Initiate Final Design | Apr. 1998 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Feb. 2002 | 100 |
| 3. Submit Form 2A SPDES Application | - | June 2003 | 100 |
| 4. Notice to Proceed to Construction | Mar. 2003 | - | 100 |
| 5. Construction Completion | - | April 2007 | 100 |
| D. 26th Ward Drainage Area Sewer Cleaning and Evaluation | | | |
| 1. Initiate Final Design | Jan 2007 | - | 100 |

| ITEM DESCRIPTION | START DATE | DUE DATE | % COMPLETE |
|--|------------|--|------------|
| 2. Final Design Completion Including CPM Analysis | - | June 2007 | 100 |
| 3. Notice to Proceed to Construction | - | June 2008 | 100 |
| 4. Construction Completion | - | June 2010 | 98 |
| E. Hendrix Creek Dredging | | | |
| 1. Initiate Final Design | Jan 2007 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | Jun. 2007 | 100 |
| 3. Notice to Proceed to Construction | Feb. 2010 | - | - |
| 4. Construction Completion | - | Feb. 2012 | - |
| F. 26th Ward Wet Weather Expansion | | | |
| 1. Initiate Final Design | June 2006 | - | 100 |
| 2. Final Design Completion Including CPM Analysis | - | June 2010 | 15 |
| 3. Submit Form 2A SPDES Application | - | Submit with final design plans & specs | - |
| 4. Notice to Proceed to Construction | June 2011 | - | - |
| 5. Construction Completion | - | Dec. 2015 | - |
| G. Drainage Basin Specific Long Term Control Plans | | | |
| 1. Submit Approvable Drainage Basin Specific LTCP for Jamaica Bay | - | Aug. 2012 | 50 |
| 2. Submit Approvable Drainage Basin Specific LTCP for Spring Creek | - | Aug. 2012 | 50 |
| 3. Submit Approvable Drainage Basin Specific LTCP for Fresh Creek | - | Aug. 2012 | 50 |
| 4. Submit Approvable Drainage Basin Specific LTCP for Hendrix Creek | - | Aug. 2012 | 50 |
| H. Rockaway WPCP Conveyance Improvements | | Dec. 2017 | - |
| XIII. Citywide Comprehensive Floatables Plan | | | |
| A. Facility Plan Development | | | |
| 1. Submit Modified Facility Plan Report | - | Dec. 2004 | 100 |
| XIV. Submit Approvable City-Wide LTCP | | | |
| | - | Dec 2017 | - |
| (1) Facilities necessary to operate Warnerville Pump Station are completed. Certification of Construction Completion submitted to DEC in July 2009 | | | |

5.0 Community Relations

No public meetings were held during this quarter.

6.0 Key Personnel Changes

Mayor Bloomberg appointed Caswell F. Holloway IV as the new Commissioner of the NYC Department of Environmental Protection.

7.0 Other Issues

The following action items were identified during the **December 2, 2009** CSO Quarterly Meeting:

| | Action Item | Response | Target Date | Status |
|---|--|---|--------------------|-------------------|
| 1 | DEP will be submitting a modification request for the Alley Creek submittal milestone LTCP extension by 2/28/2010. | | 2/28/2010 | Under Development |
| 2 | DEP and DEC will schedule the final inspection of the Port Richmond Throttling Facility in January 2010, to be coordinated with the gate manufacturer's certification testing | | January 2010 | Under Development |
| 3 | DEP will retransmit the modification request for the Gowanus Canal and Coney Island Creek LTCP submittals that had previously been sent via technical staff rather than through counsel. | <i>The Gowanus Canal and Coney Island Creek LTCP modification requests were retransmitted through counsel on 12/28/2009</i> | N/A | Resolved |
| 4 | DEC will respond to the pending NOV by December 4, 2009 in Paerdegat Basin. | <i>On December 4, 2009, DEP received an NOV determination which extended the completion date to December 31, 2009</i> | | Awaiting Response |
| 5 | DEP will provide an update on USACOE dredging permit status | <i>DEP has responded to all inquiries and requests received from USACOE. DEP will continue to work with USACOE</i> | N/A | Resolved |
| 6 | DEP and DEC will schedule and hold a meeting on the Flushing Bay CSO retention tank flow metering in January 2010 | <i>A meeting has been scheduled for January 26, 2010</i> | N/A | Resolved |
| 7 | DEP will provide a copy of the Jamaica WPCP conveyance hydraulic analysis by December 3, 2009 | <i>DEP provided a copy of the analysis before the Technical Meeting</i> | N/A | Resolved |
| 8 | DEP and DEC will schedule and hold a meeting to review the Avenue V PS CPM in January 2010 | <i>A meeting has been scheduled for January 19, 2010</i> | N/A | Resolved |

| | Action Item | Response | Target Date | Status |
|----|---|---|--------------------|-------------------|
| 9 | DEP will provide the raw water quality sampling data from Newtown Creek to DEC by December 11, 2009 | <i>DEP will provide sampling data report by February 1, 2010</i> | 2/1/2010 | Under Development |
| 10 | DEP will confirm the completion date for the Kent Avenue Throttling Facility | <i>The current projected completion date for the Kent Avenue Throttling Gate will be confirmed.</i> | January, 2010 | Under Development |
| 11 | DEP will provide DEC a copy of scheduled presentation for the CSO Technical Meeting by December 8, 2009 | <i>DEP provided a copy of the presentation prior to the Technical Meeting.</i> | N/A | Resolved |
| 12 | DEP will provide DEC with a first draft of the responsiveness summary for the Bronx River WB/WS Facility Plan Report by December 31, 2009. DEC will provide their responses for the responsiveness summary for the Bronx River WB/WS Facility Plan Report by December 31, 2009. | <i>DEP and DEC committed to draft responses to specific questions and share first draft of the responsiveness summary in early January.</i> | January, 2010 | Under Development |
| 13 | DEP will provide DEC with design status details, schedule, and contract details for the 26th Ward wet weather expansion in the next quarterly report. | <i>An update has been provided within this report.</i> | N/A | Resolved |
| 14 | DEP and DEC legal staff will conduct additional discussions on the use of NHT funds by HRF. | <i>DEP accepts notion of moving the funds to HRF as long as the funds will be targeted for use in Jamaica Bay.</i> | N/A | Resolved |
| 15 | DEP will issue a final Request for Grant (RFG) for the Flushing/Gowanus EBP projects by December 11, 2009. | <i>DEP issued the Request for Grants. Proposals are due by February 26, 2010.</i> | N/A | Resolved |
| 16 | DEP will provide an updated copy of the LTCP process framework for the CSO Technical Meeting of December 7, 2009 | <i>A copy of the LTCP process framework and flowchart was provided prior to the CSO Technical Meeting</i> | N/A | Resolved |

8.0 Status of LTCP Development

According to the Order, the reporting on the progress of the Drainage Basin Specific LTCP and Waterbody/Watershed Plan development shall be included in the first and third quarterly reports of each calendar year beginning in the year 2005 and continuing until all Appendix A requirements have been completed and approved.

APPENDIX A
CONSENT ORDER CERTIFICATION LETTERS



New York City Department of
Environmental Protection
www.nyc.gov/dep

59-17 Junction Boulevard
Flushing, NY 11373

Steven W. Lawitts
Acting Commissioner

James G. Mueller, P.E.
Deputy Commissioner

Tel. (718) 595-5973
Fax. (718) 595-5999
jmueller@dep.nyc.gov

Bureau of Engineering
Design & Construction

Mr. Joseph DiMura, P.E.
Director

NOV 20 2009

Bureau of Environmental Compliance
New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, NY 12233-3500

**Re: Order on Consent (CSO Order)
DEC Case #CO2-20000107-8, Milestone II.E.4
Certification of Construction Completion for
Outer Harbor Throttling Facility**

Dear Mr. DiMura:

In accordance with Section III-F of the above referenced Consent Order for Combined Sewer Overflow (the Order), this letter is to certify the compliance with a milestone contained in the Order by the New York City Department of Environmental Protection. Specifically, construction has been completed on November 16, 2009 for the Outer Harbor Throttling Facility at Port Richmond, in conformance with Milestone II.E.4 in Appendix A as modified on January 15, 2009. Attached, please find the certification memorandum from the construction manager, along with a copy of the above mentioned Milestone Modification.

Please contact me at (718) 595-6208 if you have any questions regarding this certification.

Very truly yours,

Roy Tysvaer, P.E.
Director, Wastewater Treatment
and Water Quality

cc: James Dezolt, P.E.
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3500

Robin Adair Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

Robert Elburn, P.E.
Regional Water Engineer
Division of Water, Region 2
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, New York 11101

Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

William Plache, Esq.
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

DEP: H. Donnelly, K. Mahoney, D. Chao, R. Marandi, K. Clarke,
D. Stanford

H&S: P. Young (H&S) File

New York State Department of Environmental Conservation
Office of General Counsel, 14th Floor
150 Broadway, Albany, New York 12233-1500
Facsimile: (518) 402-9019
Website: www.dec.ny.gov



January 15, 2009

SENT VIA FIRST-CLASS U.S. MAIL

Ms. Marcella Eckels, Esq.
Assistant Counsel
NYC Department of Environmental Protection
Bureau of Legal Affairs
59-17 Junction Boulevard, 12th Floor
Flushing, New York 11373-5108

COPY

RE: Order on Consent (NYC CSO Order), DEC Case #C02-20000107-8
Appendix A, II, Outer Harbor CSO, E. Port Richmond Throttling Facility, 4,
Construction Completion - MILESTONE MODIFICATION REQUEST AND
DEC DETERMINATION

Dear Ms. Eckels:

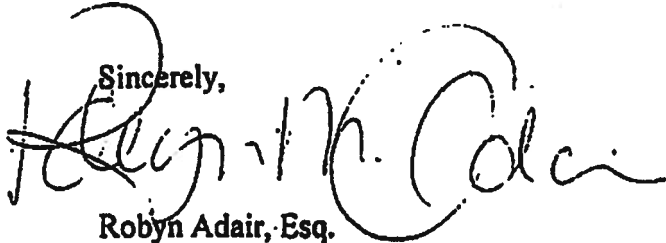
The Department received your request dated October 31, 2008 for a modification of the Construction Completion Milestone for the Port Richmond Throttling Facility. This request is based on project delays associated with anticipated subsurface conditions, extremely high hydrostatic pressure and an additional unidentified source of water supplementing the groundwater table for which the New York City Department of Environmental Protection ("the City") submitted a Force Majeure request on November 21, 2007 to the New York State Department of Environmental Conservation ("the State"). The City quantified the Force Majeure event as a delay of 324 total days.

Pursuant to Article VI, A., the State determines that this event constitutes a Force Majeure as defined in the NYC CSO Order as a "circumstance that is entirely beyond their [Respondents'] control" and the City is entitled to an extension of the schedule milestone—limited to the period of time caused by said event that placed compliance beyond the City's control—without the assessment of stipulated penalties.

The City's request to modify the Construction Completion Milestone for the Outer Harbor CSO, Port Richmond Throttling Facility at Appendix A, II.E.4. in the NYC CSO Order from December 31, 2008 to November 20, 2009, is hereby approved.

If you have any questions or concerns regarding this letter, please contact Ms. Robyn Adair, Esq., at (518)402-9512.

Sincerely,



Robyn Adair, Esq.
Office of General Counsel

cc: J. DiMura, P.E.
G. Kline, P.E.
S. McCormick, P.E.
R. Elburn, P.E., Region 2
T. Burns, P.E., NYS EFC
J. Olander, USEPA

J. Mueller, P.E., NYCDEP
K. Mahoney, P.E., NYCDEP
D. Chao, P.E., NYCDEP ✓
P. Young, P.E., Hazen and Sawyer
W. Plache, Esq., NYC Law Dept.



New York City Department of Environmental Protection
www.nyc.gov/dep

59-17 Junction Boulevard
Flushing, NY 11373

Steven W. Lawitts
Acting Commissioner

James G. Mueller, P.E.
Deputy Commissioner

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Fax. (718) 595-5999
jmueller@dep.nyc.gov

Bureau of Engineering
Design & Construction

MEMORANDUM

TO: Roy Tysvaer, P.E.
Director, Wastewater Treatment and Water Quality
Bureau of Engineering Design and Construction

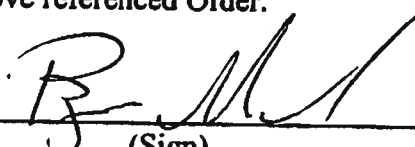
FROM: Reza Marandi, P.E.
Chief, Water Quality Construction
Bureau of Engineering Design and Construction

DATE: NOV 19 2009

SUBJECT: Outer Harbor Throttling Facility
DEC Case #CO2-20000107-8
Certification of Construction Completion

This memorandum provides certification that all facilities necessary to operate the Outer Harbor Throttling Facility have been constructed in accordance with the approved plans and specifications as of November 16, 2009.

This work has been constructed and made operational in accordance with Milestone II.E.4 in Appendix A of the above referenced Order.



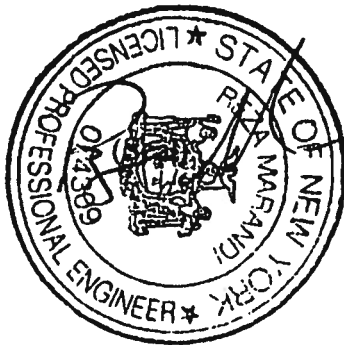
(Sign)

Reza Marandi

(Print)

11/19/09

(Date)



11/19/09

CSO QUARTERLY

12/2/2009

WARDS ISLAND WPCP

SIGN-IN SHEET

| <u>NAME</u> | <u>ORGANIZATION</u> | <u>TEL</u> | <u>EMAIL</u> |
|------------------|---------------------|----------------|------------------------------|
| TIM GRONINGER | LTCP JV | 212-539-7023 | tgroninger@katzandsamyer.com |
| William Plache | NYC LAW Dept | (212) 788-1574 | wplache@law.nyc.gov |
| Stan Stephansen | EPA R2 | 212 637-3776 | stephansen.stanley@epa.gov |
| JERRY VOLGENDE | NYC-DEP | 718 595-4973 | jvolgende@dep.nyc.gov |
| Diane Hammerman | NYC-DEP/BWT | (718) 595-4965 | dhammerman@dep.nyc.gov |
| ART SPANGEL | NYC DEP BWT | 718 595 5013 | aspangel@dep.nyc.gov |
| Vincent Sapienza | DEP - BWT | 718 595 4906 | vsapienza@dep.nyc.gov |
| Matthew Osit | DEP - BEDC | 718 595 6077 | mosit@dep.nyc.gov |
| Ken Moriarty | DEP - BEDC | 718 595 6238 | kmoriarty@dep.nyc.gov |
| Kevin Clarke | DEP BEDC | 718 595 5995 | kclarke@dep.nyc.gov |
| GARY KLINE | NYSDEC/AIB | 518.402.9655 | gkline@gov.dec.state.ny.us |
| Dorothy Chao | NYC DEP | 718-595-6564 | dchao@dep.nyc.gov |
| Keith Mahoney | DEP/BEDC | 718-595-5972 | kmahoney@dep.nyc.gov |
| Heather Donnelly | DEP Legal | 718-595-6610 | donnellyh@dep.nyc.gov |

NYSDEC/NYCDEP CSO Quarterly Meeting
December 2, 2009

Wards Island

ATTENDANCE

| <u>NAME</u> | <u>ORGANIZATION</u> | <u>PHONE</u> | <u>EMAIL</u> |
|-------------------|---------------------|----------------|-----------------------------|
| LINDA ALLEN | NEWPCC | 518.402.6234 | lallen@gw.dec.state.ny.us |
| ROBYN ADAIR | NYSDEC | (518)402-9571 | rmadair@gw.dec.state.ny.us |
| SUE MCCORMICK | NYSDEC | (518)402-8199 | sdmccorm@gw.dec.state.ny.us |
| PAUL KENLINE | NEWPCC | 718 482 4095 | PJKENLINE " |
| Diana Somanyc | NYSDEC | 718-482-6746 | dsomanyc@gw.dec.state.ny.us |
| Peter Young | Hazen and Sawyer | 212-539-7009 | p.young@hazenand.com |
| E. R. Paradis | DEP/BEDC | (718)595-4914 | eparadis@dep.nyc.gov |
| Marcella Eckels | DEP - Wagon | 718 595 - 6535 | meckels@dep.nyc.gov |
| Michael Soszynski | DEP/BEDC | 718 595 5721 | MSoszynski@dep.nyc.gov |
| Roy Tysvaer | DEP/BEDC | 718-595-6248 | RTysvaer@dep.nyc.gov |