

New York State Department of Environmental Conservation

Division of Water

Bureau of Water Compliance, 4th Floor

625 Broadway, Albany, New York 12233-3506

Phone: (518) 402-8177 • Fax: (518) 402-8082

Website: www.dec.ny.gov



Joe Martens
Commissioner

January 14, 2015

SENT VIA EMAIL

Mr. Keith Beckmann, P.E.
LTCP Program Director
Bureau of Wastewater Treatment
New York City Department of Environmental Protection
96-05 Horace Holding Expressway
Corona, NY 11368

Re: Order on Consent (“CSO Order”), DEC Case #CO2-20110512-25 modification to DEC
Case #CO2-20000107-8, Appendix A
XI.G. Submit Approvable Drainage Basin Specific LTCP for Hutchinson River

Dear Mr. Beckmann:

The New York State Department of Environmental Conservation (Department) acknowledges receipt on September 30, 2014 of the Hutchinson River Long-Term Control Plan (LTCP) submitted by the New York City Department of Environmental Protection (City) pursuant to the CSO Order. The Department’s comments on the Hutchinson River LTCP are provided in Attachment A. Please respond to these comments within 45 days of the date of this letter.

If you have any questions regarding this letter, please contact Mr. Gary E. Kline, P.E., Section Chief at 518-402-9655 or gekline@gw.dec.state.ny.us.

Sincerely,

Joseph DiMura, P.E.
Director, Bureau of Water Compliance

cc: All sent via email
G. Kline, P.E.
M. vonWergers, Esq.
L. Allen, P.E.
P. Kenline
R. Elburn, P.E.
S. Southwell, P.E.
K. Penner, P.E.
K. Anderson
S. Stephansen
W. Plache, Esq.
H. Donnelly, Esq.
J. Mueller, P.E.
V. Sapienza, P.E.
L. Lee, P.E.
K. Mahoney, P.E.
J. Petite, P.E.
A. Licata

Attachment A

General Comments:

As the City is aware, the Hutchinson River is a Class SB waterbody, and as such, the best usages of this waterbody are primary and secondary contact recreation and fishing, which are consistent with the fishable / swimmable goal of the federal Clean Water Act. Although the waterbody is currently not used extensively for these uses, the Department emphasizes that achieving the water quality standards to support these uses is the long-term goal of CSO abatement efforts. The Department recognizes that there are non-CSO sources of impairment outside of New York City, but efforts are being undertaken to address these sources. Therefore, the City must focus its efforts on reducing the impacts from CSOs.

Executive Summary:

1. Table ES-2 indicates that there is an increase in fecal coliform during dry weather between sampling stations HR-06 and HR-03, which seems counterintuitive given that the waterbody at the lower sampling station has a greater assimilative capacity than at the upper sampling station. The Department recommends that the City conduct trackdown of illicit discharges in this vicinity as required under its SPDES permit. It is important to note that the Sentinel Monitoring station for the Hutchinson River is located near sampling point HR-02, which is downstream of the reach where the increase in fecal coliform is observed. Thus, the Sentinel Monitoring program is unlikely to identify this type of water quality variation.
2. In Tables ES-4 and ES-5, the percent attainment appears wrong for some of the months, in particular the months where the maximum GM is 200 or less but the percent attainment is shown as less than 100 percent.
3. The Executive Summary should provide information on attainment levels for the dissolved oxygen water quality standard under baseline conditions and for the selected alternative.
4. Table ES-15 should include a footnote to explain the meaning of the * for some of the recovery times.

Section 1:

5. In Section 1.3a, the City should clarify that the Hutchinson River WWFP submitted in June 2007 was never approved by the Department and that the requirement to submit an approvable WWFP was deleted from the CSO Consent Order with the 2012 Order amendments. The narrative in this section gives the impression that the WWFP confirmed that CSO storage tanks were not needed and thus were deleted for that reason, when in fact the Department never accepted the analysis presented in the 2007 WWFP.

Section 2:

6. Table 2-3 (and Table 6-1) provide the pollutant concentrations for sanitary and stormwater

discharges, and the stormwater concentration is based on the 2012 sampling conducted by the City (as reflected in Table 2-11). In Section 6.1 on p. 6-3, the City states that the illicit dry weather loadings observed in Westchester County were not included in the baseline conditions. Based on these statements, it appears that the stormwater concentrations for Westchester County shown in Tables 2-3 and 6-1 included illicit discharges during wet weather, but the total pollutant loads shown in Table 6-2 do not include illicit discharges during wet weather. In other words, the illicit discharges that occur during both dry and wet weather were eliminated from stormwater pollutant loads estimated for Westchester County under both wet and dry weather conditions. Confirm that the loads shown in Table 6-2 do not include any illicit discharges during dry or wet weather for Westchester County.

7. Table 2-3 indicates there should be a footnote 6, but it is not provided below the table.
8. Similar to comment 1 above, Table 2-10 indicates that there is an increase in fecal coliform during dry weather between HR-06 and HR-03, which seems counterintuitive given that the waterbody at the lower sampling points has a greater assimilative capacity than at the upper sampling points. The LTCP should explain possible reasons why this increase is occurring.

Section 4:

9. For Section 4.1, see comment 5 above on Section 1.3a above with respect to narrative on the WWFP and deletion of the CSO storage tanks.

Section 5:

10. The statement provided in Section 5.4.b makes no sense.

Section 6:

11. Section 6.3.a states that the freshwater reach of the Hutchinson River does not attain the existing Class SB criterion for fecal coliform, however, the freshwater section would need to meet the Class B criterion.
12. In Table 6-5, the percent attainment appears wrong for some of the months, in particular the months where the maximum GM is 200 or less but the percent attainment is shown as less than 100 percent.
13. The LTCP should better clarify the meaning of the data presented in Tables 6-15 and 6-16.
14. Table 6-20 should include a footnote to explain the meaning of the * for some of the recovery times.

Section 8:

15. Section 8.7.a indicates that the Hutchinson River will not attain bacterial water quality standards even if all CSOs were eliminated because of non-CSO discharges. However, attaining water quality standards in the Hutchinson River should be viewed as a long-term goal, so the LTCP should commit to principles of adaptive management as described in 9.1.
16. In Section 8.2.a.3, the City eliminated from consideration upstream equalization storage tanks (which would significantly reduce CSOs from HP-024 and HP-023) because acquisition of the parkland site was unlikely, however, the City did not reasonably identify other sites that could be used. The City shall retain for full consideration the upstream equalization storage tanks for outfalls HP-024 and HP-023 located at sites that may require demolition of existing buildings.
17. The selected alternative includes disinfection and floatables control for the new Outfall HP-024 only. The Department requests that the selected alternative include floatables control for HP-023 as well.
18. Per the discussion between the Department and City on January 12, 2015, the Time to Recover analysis should be conducted for the August 15 design storm for the point of compliance of HR05 for all retained alternatives using the fecal coliform single sample standard of 1000 cfu/100ml only. The results from this analysis are already provided in Figure 8-20 and no further analysis is required. Table 8-22 can be deleted from the LTCP.
19. Per the discussion between the Department and City on January 8, 2015, eliminate the site specific standards from the LTCP but include a general discussion on the spatial and temporal extent of non-attainment with water quality standards within the waterbody during period of analysis.
20. In Section 8.6 and Appendix D, the City shall include an evaluation of attainment of the dissolved oxygen standard for the Use Attainability Analysis.

Section 9:

21. Figure 9-1 indicates that implementation of the selected alternative will take fourteen years, however, this is too long a period before the benefits of the facilities can be realized. The City has developed a very conservative schedule, with two years to procure consultants and 3.5 to 4 years for designs, and the five year gap between completion of construction for phases 1 and 2 is also unacceptable. The City shall reconsider the overall approach for construction of this project to either combine the two phases into one or implement the two phases in parallel, while retaining the construction start date for phase 1.