

# Friends of Flushing Creek

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November 17, 2014

Commissioner Emily Lloyd  
New York City Department of Environmental Protection  
9605 Horace Harding Expressway  
Corona, New York 11368

Dear Commissioner Lloyd,

Re: Friends of Flushing Creek Comments on Flushing Creek LTCP Options

I am writing on behalf of Friends of Flushing a Creek, a nonprofit organization comprised of stakeholders, environmentalists and community representatives who are dedicated to ensuring the clean up of Flushing Creek. Our goal is to ensure that the creek will be a healthy waterbody that can serve as a recreational resource. As you know, the creek does not meet water quality standards and is the subject of a consent order with New York State that requires the development of a long term control plan to reduce combined sewer overflows.

I write today to offer comments on the long term control plan options for Flushing Creek now under consideration by DEP as presented at its October 23rd, 2014 public meeting. As a general and underlying statement, Friends of Flushing Creek fundamentally disagrees with the department's failure to retain options that would result in much-needed CSO volume reduction. Indeed, none of the retained options for future projects provide for increased sewage treatment capacity at Tallman Island or additional retention tanks needed to handle needs beyond its capacity.

Historic stressors, including industrial legacy impacts and reduced tidal flow, have combined with the continual release of CSOs to create an oxygen starved waterbody with pathogen laden sediments that cause community-wide foul odors at low tide. Flushing Creek receives more than 1 million gallons of raw sewage and storm water runoff annually during increasingly common heavy rain events. Remarkably, just one of the creek's outfalls releases more CSO volume than will be released in the entire Bronx River, Alley Creek, Bergen & Thurston Basin, Coney Island Creek, Gowanus Canal, Hutchinson Creek, Jamaica Bay and CSO Tributaries, Paedegat Basin or the Westchester Creek after implementation of the city's green infrastructure program. As a result, a substantial portion of the creek fails to meet minimally acceptable levels of fecal coliform during wet weather events and is a community detriment.

Rising sea levels, increasing population and plans for future development along Flushing Creek require a robust and aggressive plan to bring the creek into compliance with water quality standards and to sustain that compliance.

Today, the New York City Planning Commission announced plans to launch a study of the 60 acres adjoining Flushing Creek as part of the Flushing-Willets Point-Corona Local Development Corporation's Brownfield Opportunity Area grant funded program. The study will culminate in rezoning proposals geared to help spur the development of a new Flushing West community, including much-needed affordable housing-a central goal of the Mayor's administration. Current plans envision accessible open space along Flushing Creek including a kayak launch, waterfront park, wetland cove, a riverfront terrace and open space-all geared to providing residents and visitors a positive connection to Flushing Creek. The success of Flushing West's open space plans requires the clean-up of Flushing Creek. Bluntly stated, no one wants to live next to an open sewer with foul odors every low tide.

Comments on Disinfection: The retained options for the LTCP focus on disinfection and do not address the need to reduce CSO volumes. The use of chlorine and its residual release into the creek poses significant concerns. We share concerns of environmental experts regarding its reported health effects impacts, including breast and bladder cancer. Additionally, chlorine is toxic to shellfish and other beneficial organisms that are needed to restore oxygen levels to water quality standards.

Comments on Wetland Restoration: Friends of Flushing Creek has been an active advocate for dredging the creek in order to remove existing sediments that cause foul odors at low tide and continue to serve as a toxic presence that destroys nutrient potential within the creek.

DEP has presented four potential wetland restoration sites in addition to the Army Corps of Engineers project currently in the planning process. Approximately 2 to 4 acres of additional wetland restoration are possible outside of USACE/DEP restoration/dredging coordination effort now underway. We support efforts to restore the wetlands within the creek and acknowledge the beneficial impact of such projects on the restoration and sustainability of healthy waterbodies.

However, while we support and advocate for such projects they must be part of a comprehensive plan to dredge existing sediment and to materially affect CSO released volumes. Without CSO reduction, the potential of generating a productive ecosystem is greatly diminished, representing a short sighted plan that does not maximize the use of funding or potential of such efforts.

Current projects included in the LTCP reference the \$41 million capacity increase at Tallamn Island at the Whitestone interceptor. We note that DEP has previously acknowledged that the positive effects for this project will primarily effect Flushing Bay

and the East River. As a result they were not included in the DEP Waterbody/Watershed Plan of current projects underway for Flushing Creek.

An emphasis on Green Infrastructure to control storm-water runoff has been included in the DEP consent order with NYC DEC. While bios walls, green and blue roofs, rain gardens, and permeable paving are positive components of a comprehensive CSO storm-water source reduction plan, a clearly articulated, project specific, funded green infrastructure plan for the Flushing Creek CSO impact area has not been developed. Therefore, we cannot consider green infrastructure goals as a reliable component in the Flushing Creek LTCP

Finally, we remain concerned that the approved Waterbody/Watershed Plan for Flushing Creek included references of the following “ If water quality criteria are demonstrated to be unrealistic, DEP would request reclassification of portions of Flushing Creek.” and possible development of a “UAA to assess and determine the waterbody’s highest attainable use, which the State will consider in adjusting water quality standards, classifications, or criteria and developing waterbody-specific criteria. Possible outcomes include: Recommending partial use standards or seasonal uses for certain waterbodies”. The goals of the Federal Clean Water Act are fishable and swimmable waters. Friends of Flushing Creek look to upgrade its secondary contact classification-not to step backwards.

We thank you for your consideration and look forward to a continued dialogue about how to improve Flushing Creek.

Sincerely,

*ALEXANDRA ROSA*