



Department of Health

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Executive Deputy Commissioner

February 5, 2018

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD and 2017 FAD deliverables that were due December 31, 2017. Our comments are attached. We would appreciate if you could provide a reply to these comments by March 9, 2018.

Please feel free to contact me if you have any questions.

Sincerely,

Patrick M. Palmer
Chief, NYC Watershed Section
Bureau of Water Supply Protection

Att.

Cc (electronic):

L. Wilson
K. Lynch – USEPA
K. Kosinski – NYSDEC

NYSDOH/USEPA Comments on FAD Deliverables due December 31, 2017

2. SWTR Filtration Avoidance Criteria Requirements.

On December 27, 2017, DEP issued an addendum to the 2016 Long-Term Watershed Protection Plan. The addendum describes modifications to the plan which account for changes to the watershed programs required by the 2017 FAD.

3.1 Septic and Sewer Programs

The Revised 2007 FAD required DEP to “continue to work with the Town of Middletown and Village of Margaretville on the construction of the sewer extension projects to the Margaretville WWTP.” DEP reports that this project has been completed. NYSDOH agrees that, with the completion of this project, all requirements under the Revised 2007 FAD for this program have been met. As noted in the 2017 FAD, the long-term goal for this program will depend upon future determination of need for projects.

3.3 Community Wastewater Management Program

The 2017 FAD requirement for DEP to approve the block grant for Halcottsville has been completed.

4.2 Land Acquisition Program

Under the Revised 2007 FAD, based on the requirements of the 2010 Water Supply Permit (WSP), DEP was required to submit a written evaluation of the five-year pilot Forest Conservation Easement Program by December 15, 2017. Previously, DEP had submitted an evaluation, required by the 2010 WSP, to NYSDEC, NYSDOH, and USEPA on September 27, 2017. In the time between these two submittals, DEP reports that one additional contract has been signed (bringing the total to two), one additional landowner has expressed interest in the program (bringing the total to 27), and no additional properties were appraised (remaining at eight).

NYSDOH agrees that the limited data generated by the program to date is not sufficient to properly evaluate the pilot program. However, NYSDOH notes that the initial requirement for this pilot program originates in the 2010 WSP, and NYSDEC may make a written determination, in consultation with NYSDOH, the City, and other agencies or local governments, to authorize that the program be continued past the initial period of five years.

4.5 Watershed Forestry Program

Based on the requirements of the 2017 FAD and the 2010 Water Supply Permit, DEP submitted an update to the Watershed Forest Management Plan (WFMP). NYSDOH/USEPA have several comments and requests for clarification:

- The first paragraph in the Introduction states that DEP developed a WFMP in 2011, while the second paragraph states “The WFMP, prepared by the US Forest Service”. Are these referring to the same documents? Related to this, the last paragraph on page 1 refers to the current WFMP. Presumably this means the 2017 update?
- The stated goals of the WFMP include diversification of the forest in terms of tree age and species composition. What does DEP consider as the primary attributes or metrics (nutrient uptake, canopy density, merchantable timber, etc.) that constitute a “desired forest”?
- Table 2 (page 3) shows the total basin ownership in acreage that is owned or in easements by the City, New York State, and private/other entities. For the East of Hudson basins, it would be useful to list how much basin land is protected in county or municipal parks/nature preserves and land trusts. This would provide a fuller picture of the status of each basin in terms of the level of protection afforded by undeveloped lands. For example, the East Branch basin totals 47,996 acres, of which 44,748 acres (93%) is classified as private and other lands.
- In Section 5, the last paragraph on page 12 mentions “the DEP water quality forest modeling efforts.” More information on these efforts would be appreciated.
- In Section 6, with the new positions filled, what is the current forester to forest acre average?
- In Section 7, on page 17, the text states that “DEP has worked with the partners in the release of approved HWA biological controls on City lands.” Additional information would be appreciated on when and where these releases took place, and if future releases are planned.
- The updated conservation practices are appropriate for the protection of water quality on lands purchased by the City. What occurs if the US Forest Service significantly changes its recommended procedures in the coming months or years?
- Do deer management strategies differ significantly between EOH basins compared to WOH basins?
- The Appendix 1 cover sheet states: “Conservation Practices – Revised.” However, the document which follows is dated January 20, 2015. Is this the most recent version?

4.9 East of Hudson Nonpoint Source Pollution Control

The 2017 FAD requires quarterly reporting on the implementation of the East of Hudson stormwater retrofit projects at Maple Avenue and Drewville Road. DEP reports that a pre-bid meeting for contractors was held on November 29, 2017, and bids for the projects were received by DEP on December 12, 2017.