



January 20, 2016

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Dear Dr. Young and Mr. Sweeney:

Enclosed is the DEP Response to NYSDOH/USEPA and NYSDEC Comments on the Expert Panel Review of the City's Watershed Protection Program, Proposed Scope of Work submitted September 2015, in accordance with the Revised 2007 Filtration Avoidance Determination (FAD).

As always, if you have any questions about these comment responses or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive that reads "Susan A. McCormack".

David S. Warne
Assistant Commissioner

as per DSW

**DEP Response to NYSDOH/USEPA and NYSDEC Comments on the
Expert Panel Review of the City’s Watershed Protection Program
Proposed Scope of Work
Submitted September 2015
NYSDOH/USEPA and NYSDEC Comments Dated December 14, 2015
Response Date January 20, 2016**

Introduction

In general, the proposed Scope of Work (SOW) for the Expert Panel review of NYC’s Watershed Protection Program captures the breadth of topics and questions that will be required to approach the task set forth by the Revised 2007 FAD requirement. NYSDOH/EPA, in consultation with NYSDEC, have the following comments on the SOW:

Comment 1

The Scope Development section on page 2 should include that NYSDOH solicited comments from Watershed stakeholders starting in January 2015. Comments were accepted through March 31, 2015.

DEP Response:

The text has been revised accordingly.

Comment 2

The description of the SOW task under “Evaluation Approaches” would be improved by adding that the review will assess the adequacy of current evaluation approaches and recommend any innovative or alternative approaches for evaluating the program now and/or in the future.

DEP Response:

The text has been revised accordingly.

Comment 3

On page 3, the last full paragraph should include that the FAD regulatory agencies will also be given opportunity to provide information to the panel.

DEP Response:

The text has been revised to explicitly include the FAD regulatory agencies.

Comment 4

In the first sentence under “Project Overview”, in addition to modifying programs, adding or eliminating programs could also be given as options for recommendations by the Expert Panel.

DEP Response:

For improved clarity the sentence has been revised to read: “The goal of this project is to conduct an Expert Panel review of the adequacy of the City’s watershed

protection program and provide recommendations for modifying, creating or eliminating programs.”

Comment 5

The sentence referencing “*Giardia lamblia* cysts and viruses” in the first paragraph on page 6 would be more complete if modified as follows: “Is the current suite of programs, ranging from land ownership to implementation of WR&Rs to partnership programs, appropriate and adequate to achieve the ultimate goals of minimizing the potential for contamination by *Giardia lamblia* cysts, *Cryptosporidium* oocysts, and viruses in the source water and meeting water quality standards required to maintain filtration avoidance?”

DEP Response:

The text has been revised accordingly.

Comment 6

On page 3, “modeling expertise” should be included in the list of qualifications that will be sought when selecting members of the expert panel.

DEP Response:

The text has been revised accordingly.

Comment 7

Under the Watershed Protection Program section on page 5, questions could be added that focus on the septic system and community wastewater programs. For example: Is the scope of the City’s Septic Remediation and Replacement Program adequate? Should additional communities be considered for participation in the Community Wastewater Management Program?

DEP Response:

The overall intent of the Expert Panel study is to have a comprehensive evaluation of all programs and allow the panel members to provide their professional insight. Therefore it seems inappropriate to call out just a couple specific programs in the Scope of Work. DEP will provide information on all programs and recommends not making a modification to the SOW on this comment.

Comment 8

Under the Future Risks section, Land use trends, the item in parentheses should be clarified to indicate that the “recreational activities” are on City land, not State land.

DEP Response:

The text has been revised accordingly.

Comment 9

Consideration should be given to moving the list of “Review Materials” to the end of the SOW and renaming them “Reference Materials”.

DEP Response:

The text has been revised accordingly.

Comment 10

The following documents should be added to the list of “Reference Materials”:

NYC Watershed Rules and Regulations;

SPDES General Permit for Municipal Separate Storm Sewer Systems;

“Watershed Event Timeline” presented by David Quentin at the 2015 Watershed Science and Technology Conference (co-authored by Dr. Lorraine Janus and Kerri Alderisio).

DEP Response:

The text has been revised to include the Watershed Regulations and also the Recreation Regulations and Land Use Permit Regulations.

The reference materials focus on DEP-specific documents and are not meant to be all inclusive. The SPDES General Permit for Municipal Separate Storm Sewer Systems is already available online along with many other documents the panel is likely to access.

The Watershed Event Timeline presented at the 2015 Watershed Science and Technology Conference is a draft work-in-progress. We will certainly share any final reports or materials when the expert panel is convened.