

**Open Water Long Term Control Plan  
Combined Sewer Overflow  
CITIZENS ADVISORY COMMITTEE**

August 22, 2007

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Re: Points for Consideration in Developing Fall 2007 CSO Stakeholder Meeting Agenda

Dear Ariella,

As the time for the CSO stakeholder group to reconvene draws nearer, I wanted to relay feedback collected from members of the NYC DEP Open Water Long Term Control Plan Citizens Advisory Committee (the CAC) since our last meeting. Some of this input might sound familiar, having surely received language directly from our respective organizations and affiliations, but despite the risk of redundancy, the CAC felt these items were worth reiterating as the agenda for our next meeting is being shaped.

The first CSO stakeholder meeting, convened jointly by your office and NYC DEP on June 12, 2007, provided many of us with valuable insight on how we might better integrate the City's approach to the Long Term Control Plan with the PlaNYC 2030 process. The CAC met on June 13, giving us a chance to discuss the previous night's brainstorming session and the future of the process. We hope that the following information can be considered in preparation for our next CSO Stakeholder meeting, hopefully catalyzing our progress in working together toward common goals.

In the CAC, one of our main concerns is that all planning related to water quality is appropriately integrated and infused with the wealth of expertise that already exists among the water quality professionals and experienced citizens in the estuary region. With multiple planning processes come a range of assumptions, assessments, models, and projections that require some level of reconciliation. Consensus amongst as many of these frameworks, coupled with measurable performance criteria for water catchment and filtration, could lay a stable foundation for aligning the policies of New York City (including PlaNYC and the LTCP), New York-New Jersey Harbor Estuary Program/Bight Restoration Program, Long Island Sound Study, NYS Hudson River Estuary Program, the Army Corps's Comprehensive Restoration Program, as well as local 197(a) and CEQR procedures.

We are hopeful that these CSO stakeholder meetings and working groups, as well as cooperative work from the grassroots up to the Mayor's office and beyond, will play a valuable role in this daunting but fully possible task.

Thank you for your hard work on our behalf, and we look forward to our next meeting.

Sincerely,

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Carter Craft  
Co-Chair / East River Open Waters

## **Points for Consideration in Developing Fall 2007 CSO Stakeholder Meeting Agenda**

### **Administration**

We request that a summary of the stakeholder comments – including these – be e-mailed to the attendees and provided online before we reconvene to refresh participants' memory of what was discussed, and orient new participants. Given that the brainstorming session was relatively brief, this practice will be useful in setting the stage for future conversations and meetings.

### **Facilitation**

Group discussions should have an appointed facilitator to help ensure that attendees get the most out of these working discussions. Facilitators can help with group introductions, present a full meeting agenda, keep a record and overall help ensure that the goals and structure of the meeting best take advantage of different levels of stakeholder knowledge and experience. We all know that meaningful public processes can be arduous, but it is critical in these discussions to maximize every participant's opportunity to contribute.

### **Plan Content**

"Recreation" as a goal needs to be clearly defined. Recreation should specify swimming and fishing, as well as kayaking, boating, etc. In addition to being a longstanding goal of the Clean Water Act, these are the existing uses of many NYC waterways, including most tributaries.

More detail is also needed on how the 90% goal is defined. Is that 90% of total acreage or 90% of named waterbodies? Please identify and specify the process for determining the 10% to not be included in the goal.

We take issue with PlaNYC 2030 maps showing the Bronx River freshwater section and Coney Island Creek as "no contact". This neither supports the current designations for those water bodies, nor the Clean Water Act goals for them, nor, in the case of the Bronx River, work happening outside of NYC that will result in water quality improvements.

The task force should reconsider the "high level separated sewer" strategy from PlaNYC. USEPA has identified stormwater runoff as a major threat to ambient water quality and therefore the practice of directly dumping polluted urban runoff into adjacent waterbodies does not serve the recreational water quality goal, nor does it provide additional benefits that support any other goal in the plan.

PLANYC could take the opportunity to address water quality overall: all sources, not just CSOs; all waterbodies, not just tributaries; and all aspects (including access and habitat, not just pollution and recreation)

### **Stormwater BMPs, a/k/a Source Control**

BMP implementation should be targeted in a way that will effectively impact the most problematic CSO discharges (i.e. the Tier 1 outfalls) and achieve measurable water quality benefits in specific water bodies.

There should be some standardization of BMP performance monitoring efforts. Several such efforts are or will soon be underway including: National Fish and Wildlife Foundation funded research going through Franco Montalto, Gaia Institute work going through John McLaughlin's group at DEP, any efforts previously taken by Biohabitats in their contract with Jim Mueller's group at DEP.

To capture existing and ongoing BMP work that is going on outside of DEP, we recommend developing monitoring protocols for existing BMPs, such as the rain water harvesting projects coordinated under the Water Resources Group.

### **On Working Groups**

In addition to the work groups that have been proposed, there should be another workgroup that is looking at geographical issues and can help develop criteria for prioritizing BMP implementation, i.e. how BMPs can be implemented on private property, public property, and in open space work together in specific areas (be they watersheds, CSO-sheds, or some other appropriate geographic designation) to maximize public benefits.

The existing CSO LTCP Stakeholder groups represent a circle of stakeholders who can potentially offer this local knowledge and insight as the process moves toward site selection.

Also, a working group should potentially be formed to consolidate existing data (i.e. NYC Soil Survey, modeling, soils data, current pipe/sewer mapping information, detailed topographic maps) and identify data needs.

### **Land Use Policy and Procedure**

City guidelines, processes and requirements that affect landscape and architectural design, permits, and construction of capital projects (i.e. CEQR Manual, DDC design guidelines, NYC Parks design standards, etc.) should require the use of appropriate BMPs wherever possible. Also, guidelines should include BMPs in order to take advantage of routine upgrades to infrastructure, buildings and parkland.

Zoning regulations should be used to promote lot level stormwater capture by limiting the amount of impervious cover on a lot and specifying a street tree canopy density for zoning categories.

### **Institutional Issues**

As we move forward on local watershed planning, let us be mindful of the need for revival of the NYS Water Resources Planning Council, and for better NYC representation on the State's Nonpoint Source Coordinating Committee and NYS-DEC's Water Management Advisory Committee.

Representation on the Interagency BMP Task Force need involve members of the Water Board, state, federal and "covered" City agencies, and the public (including water quality advisory committees)

### **Info Gaps**

Models that DEP uses to determine what actions can improve water quality should be refined to assess the efficacy of all alternatives (BMPs, tanks, in-line storage, etc.) simultaneously to find what combination will work best instead of adding BMPs simply as "icing."

The feasibility of BMPs in NYC is constrained in some locations by gaps in existing data which must be remedied. For example we have only 2-foot contour intervals for the entire city. We also have only coarse level soils data, and no publicly available digital sewer maps.

Assumptions about 2030 demographics and economic activity should be explained at the community-district scale, as well as how the conclusions of PLANYC's climate change initiatives will be introduced in planning for water quality.

cc:

Mayor Michael Bloomberg  
Mayor's Office of Long Term Planning and Sustainability  
City Council Speaker Christine Quinn  
City Councilman James Gennaro, Chair, Environmental Protection Committee  
Commissioner Emily Lloyd, NYC DEP  
Assistant Commissioner Anne Canty, NYC DEP  
Assistant Commissioner Jim Mueller, NYC DEP  
City Comptroller William C. Thompson, Jr  
New York Public Advocate Betsy Gotbaum  
Commissioner Amanda Burden, NYC DCP  
Hon. Alexander Grannis, Commissioner, NYS DEC

James Tierney, Director, Division of Water, NYS DEC  
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