



July 7, 2010

Commissioner Caswell Holloway
NYC Environmental Protection
59-17 Junction Boulevard
19th Floor
Flushing, NY 11373
(718) 595-6565
(917) 679-1163
cholloway@dep.nyc.gov

Dear Commissioner Holloway,

We understand that your agency, along with the New York State Department of Environmental Conservation and U.S. Environmental Protection Agency, is now deliberating the next steps for New York City's Long Term Control Plan for Combined Sewer Overflow. The S.W.I.M. Coalition, representing a broad membership of organizations involved with the LTCP process in their respective watershed/sewersheds (see http://swimmablenyc.info/?page_id=2), is eager for the process to move forward expeditiously. It is both timely and necessary to reinvigorate the public participation aspect of the planning process. We appreciate the initial efforts you have made in that regard, most recently through the public meeting held on June 28, 2010, and have prepared the attached summary of our recommendations for how meaningful public participation should proceed.

We thank you in advance for your consideration of these recommendations, and appreciate your ongoing collaboration as we work toward our shared goals of incorporating a broad Green Infrastructure (GI) approach into the city's LTCP, and the successful implementation and stewardship of GI throughout New York City.

Sincerely,

Kate Zidar
Coordinator
Stormwater Infrastructure Matters (S.W.I.M.) Coalition
www.swimmablenyc.info
swimmablenyc@gmail.com

Cc:
Commissioner Pete Grannis, NYSDEC
Regional Administrator Judith Enck, USEPA Region 2



Storm Water Infrastructure Matters (S.W.I.M.) Coalition Recommendations on Public Participation & New York City's CSO Long Term Control Plan

The Storm Water Infrastructure Matters (S.W.I.M.) Coalition requests that the New York City Department of Environmental Protection (DEP) establish a meaningful public participation process to support the New York City's Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) process. The goal of this public participation process is to educate and inform the concerned public on the LTCP's progress, incorporate valuable public input into the LTCP and develop community support for the projects implemented by the plan. The ultimate result of this process is the incorporation of a broad Green Infrastructure (GI) approach into the finalized LTCP, and the successful implementation and stewardship of GI throughout New York City.

This document outlines three types of recommendations:

- immediate actions DEP can take to incorporate public input,
- public participation during the development of the LTCP, and
- public participation during the implementation of the LTCP.

1. Immediate actions

- Establish a feedback-loop communication model (information traveling to and from the public; a clear route through which the public and the agency can share information and experiences).
- Dedicate appropriate personnel, such as the Public Outreach and Education Marketing Manager identified in the city's Sustainable Stormwater Management Plan, to maintain regular communication with stakeholders, and provide timely responses to requests for information.
- Convene a citywide meeting of CSO Citizen Advisory Committee (CAC) members, additional local stakeholders and agency representatives from the Sustainable Stormwater Management Working Group to (i) discuss next steps for revising the Watershed/Waterbody Draft plans resuming the LTCP process, and (ii) determine how to conduct the CAC process in the next phase of LTCP planning – e.g., whether to resume CAC's for each waterbody or establish a unified citywide CAC with local working groups.

2. LTCP development

- A CAC, or equivalent stakeholder body(ies), should be established and scheduled to meet on a regular basis throughout the development of the LTCP.

- Regular CAC meetings should provide an ongoing forum for local stakeholders and agency personnel to provide plan updates and feedback. Presentations by all parties should clearly explain technical jargon and quantitative data.
- The DEP should provide public access to plain-English planning documents and other stakeholder material (meeting schedules, agendas, presentations) on the DEP website, with open access to all members of the public.
- DEP should also hold technical work group sessions (as was done for the Open Water CAC) to educate the citywide CAC members on technical aspects of CSO abatement, such as modeling, public notification, source control, and water quality standards.
- DEP should demonstrate a complete feedback loop is in place by soliciting input from CAC members regarding the local impacts and feasibility of plan elements, defining the water quality and use goals for specific waterbodies, and clearly indicating how this feedback is incorporated into the resulting plans.
- DEP should seek public input specifically related to GI projects pursued by NYC residents on their own.
- Prioritization of city-led GI implementation should be determined in collaboration with community stakeholders.

3. LTCP implementation

- Local CAC working groups (or an analogous citywide entity) should convene to maintain involvement in the siting, planning and design of GI projects for specific waterbodies.
- DEP should work with local stakeholders as well as pertinent agencies to incorporate community-based stewardship efforts into long-term operations and maintenance and monitoring of GI.
- The citywide CAC should receive an annual CSO progress report, as per our neighbors in the New Jersey DEP who require permittees to develop a *Public Participation Report* that officially documents the dialogue between agency and the public.

Collaborating with the public is a decisive Best Management Practice (BMP) that satisfies a good government philosophy. The objective of a meaningful public participation program should be the creation of an informed and active public.¹ Future generations should know that New York City’s waterbodies are not inauspicious hazards, but rather a public benefit and therefore a public responsibility. The best solutions to environmental challenges are available at the local level, hence the development of a successful public participation program is critical to the success of DEP’s CSO abatement efforts.

¹ “Public participation in controversial decision-making is an essential element of the good government philosophy. Community members have a right to be heard and to expect government agencies to be open and responsive.” USEPA, RCRA Public Participation Manual, “Chapter 2: Guidelines for a Successful Public Participation Program,” 1996, 2-12.