

New York State Department of Environmental Conservation

Division of Water

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Alexander B. Grannis
Commissioner

AUG 03 2010

Ms. Karen Argenti
Mr. Dart Westphal
Co-Chairs of the BCEQ Water Committee
The Bronx Council for Environmental Quality
P.O. Box 265
Bronx, New York 10464-0265

RE: Designation of Bronx River and Harlem River, including the Bronx Kill, as Sensitive Areas

Dear Ms. Argenti and Mr. Westphal:

Commissioner Grannis has asked me to respond to your letter dated April 19, 2010 regarding the designation of the Bronx and Harlem Rivers as sensitive areas. The New York State Department of Environmental Conservation (Department) shares your concerns about the water quality in the Bronx and Harlem Rivers.

As a requirement of the Combined Sewer Overflow (CSO) Order, the City of New York and the New York City Department of Environmental Protection ("the City") must develop and propose a Long Term Control Plan (LTCP) which identifies sensitive areas as part of the Environmental Protection Agency's (EPA) CSO Long Term Control Planning process. To date, the City has not identified the Bronx and Harlem Rivers as sensitive areas in their Waterbody/Watershed Facility Plans (WWFP), which are precursors to the LTCPs, in accordance with the CSO Order. The Department reviews the WWFPs and LTCPs to determine whether or not they have met the goals of EPA's CSO LTCP Policy. The Department cannot make the designation of the Bronx and Harlem Rivers as "sensitive areas" a specific requirement for an approvable WWFP or LTCP.

For further information on designating the Bronx and Harlem Rivers as sensitive areas, please contact Mr. Roy Tysvaer, P.E., Director, Wastewater Treatment and Water Quality, NYCDEP at (718) 595-6208 to request that such a designation be considered. Thank you for all of your efforts to improve water quality in this drainage basin.

Sincerely,

Mark A. Klotz, P.E.
Director
Division of Water