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November 18, 2011

Mr. Gary Kline
NYS DEC – Division of Water
625 Broadway, 4th Floor
Albany, NY 12233-3506 by E-mail: gekline@gw.dec.state.ny.us.

Re: 2011 Modification to Order on Consent between the City of New York and the New York City Department of Environmental Protection (NYC DEP) and the New York State Department of Environmental Conservation (NYS DEC), DEC Case # CO2-20000107-8, a.k.a. NYC CSO Order

Dear Mr. Cline:

The Bronx Council for Environmental Quality, (BCEQ) is a non-profit membership organization located in New York City's only mainland borough—the Bronx. We are a diverse collection of individuals all seeking to leave our great-grandchildren better air, land, and water quality than we have at present. Please accept these comments on your 2011 NYC CSO Order:

Green Infrastructure (GI) has to be incorporated into the Long Term Control Plans in a meaning and measurable manner. While this plan goes a long way toward that goal, there is no need for additional planning for incorporation of GI while the Long Term Control Plans (LTCPs) are being developed. Just do it; it is already widely accepted all over the country and by EPA.

Toward that end, GI should be implemented and maintained in the same way that other BMPs are vetted. If there was a data tracking system in the installation of other CSO projects, then the same should be used in GI. As with other CSO BMPs, like waste water treatment plants, maintenance should be the responsibility of the DEP. If the DEP is not up to date on qualified personnel, they should develop a certified job training program or list of qualified vendors they could hire. In the final analysis maintenance should be added into the cost over the life of the BMP. As for private landowners, long term funding mechanisms and incentives should be in place – as they are for the drinking watershed protection programs in Kensico. Monitoring should be used for the purpose of identifying the best management practice and/or design, and to create a GI Maintenance Manual.

We can no longer wait for the outdated SPDES permits to be signed. The city's CSO requirements must be incorporated into the city's SPDES permits for the sewage treatment plants.

For waterbodies where the projected level of CSO control does not achieve the current standards set by New York State DEC, the Use Attainability Analysis process should not result in a reduction of water quality standards. Instead, it should be based on use and protected to the highest standard use, and the process should be used to set targets and define actions for meeting these standards.

After years of work on this issue, BCEQ is concerned about the delays on the Bronx River CSO to 2015 and the Citywide LTCP to 2017 (which includes the Harlem River that often gets lost in the big mix). We are also interested in the alternative to the planned Westchester Creek CSO (eliminate CSO Storage Facility, eliminates Phase I Influent Sewers, add CSO Relief Structure Modifications, add Parallel Interceptor) and the Hutchinson Creek CSO (eliminate Phase I Storage Facility, eliminate Future Phases).

Thank you for the opportunity to comment. Please respond with your review.

Sincerely,

Dart Westphal
Dart Westphal
BCEQ Water Committee Chairs

Karen Argenti
Karen Argenti