Karen Argenti
KarenArgenti@aol.com

July 25, 2012

BY EMAIL: Stephen Watts sawatts@gw.dec.state.ny.us
Mr. Steve A. Watts
NYS DEC, 47-40 21st Street
Long Island City, NY 11101-5407

RE: Comments on the NYSDEC Notice of Complete Application, dated 6/19/2012, by applicant NYCDEP to discharge at the Croton Aqueduct Shaft 24 and 25 (between Audubon and Amsterdam and between W. 178th and W. 179th Streets, NY, NY), application ID: 2-6201-00043/00005 for I- Article 17 Titles 7 & 8 Industrial SPDES – Surface Discharge, located in New York County.

Dear Mr. Watts:

The New York State Department of Environmental Conservation hastily made a determination to approve the above stated application for a modification of the existing permit to discharge NYC drinking supply water and start up water from the newly constructed Croton Water Treatment Plant (CWTP) to the Harlem River (Class I) from Shafts 24 and 25. The review found the only significant changes that the modified permit will replace is the "Addition of Outfall 01A for the discharge of start-up water" from the CWTP. There are three problems with your analysis.

1. The public has not been able to comment on this application which has never had an environmental impact statement review as stated in your email to me. As referred, I reviewed the CWTP FSEIS (http://www.nyc.gov/html/dep/html/environmental_reviews/crotoneis.shtml), and there is no mention of any modification, change, or impact to the SPDES permit at all (see Chapter 6.20 attached). The CWTP FSEIS at the Mosholu Site did not review any permits from NYS DEC except for Air. The NYC DEP did not identify this as a permit in the FSEIS, and so the details have not been presented.

2. The quantity of either 60 MGD or 90 MGD[1] of water, whether it is potentially drinking water or not, is of major significance during a wet weather event. At the very least, consideration should be made that there not be any discharges within 2 days of a rain event, that they cannot use more than one outfall at the same time or in the same day, and that monitoring and notification be set up for selected areas of both the Harlem AND the Hudson Rivers. USGS is conducting an watershed study and would most likely need to know if your permitted discharge would change their monitoring. Scientifically we should be able to figure out the impact of such a large discharge on the waterbody and the fish. The impact of this amount of water on the already fragile ecosystem should be of interest to your Department.

[1] That is (1) no more than 90 MGD for startup of the CWTP at two outfalls -- Croton Aqueduct Shaft 25, Outfall 001 and 01A at the Harlem River and 181th Street; and (2) no more than 60 MGD at two outfalls -- Croton Aqueduct Shaft 25, Outfall 002 at the Harlem River and 181th Street, and Croton Aqueduct Shaft 24, Outfall 003 at the East Shore of the Harlem River Drive beneath the Cross Bronx Expressway.

Please note an old by still current report of the Interstate Environmental Commission (1988) the mention of the impact on both the Harlem and the Hudson Rivers during wet weather events:

> CONCLUSION[2]
> The Harlem River is a relatively short and narrow strait that provides a vital connection between the East River and the Hudson River. As evidenced by the recent upgrading of its classification, the water quality in the Harlem River has improved in recent years. *However, as a river 8 miles long with 48 CSOs, some of which are quite large, it easily ranks as a highly stressed waterbody during wet weather overflows.* This pollutant loading does not only effect he water quality of the Harlem River, but, *because of its proximity to the Hudson River* undoubtedly effects water quality in that waterbody as well. Degradation in that Harlem River may, in fact, be one reason that swimming is not yet possible along the upper Hudson River. [*Emphasis added*]
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> Because of the concentration of overflows in this area, these CSOs should receive some attention. Abatement, and where possible elimination, of any number should lead to an improvement in water quality. Coordination of efforts for the Harlem River may be somewhat simpler tan for most water bodies in the district because it falls entirely within the City of New York and involves only two drainage basins. …..

3. There may be other alternatives to this action which should be explored. For instance, they could easily place the water into the Jerome Park Reservoir and hold it to slowly discharge to the river. Why did they choose to do it 5 miles away? Croton Shaft 24 and 25 is as much part of the distribution system as is the Jerome Park Reservoir (JPR). For years, the NYC DEP has drained the water from JPR to the sewer system.

There are some editorial comments:

A. The permit is in effect from October 2008 to September 2013. Does this mean they have been discharging into the Harlem River all this time without informing the public?

B. Finally, the map on page 7 is hard to understand. Please have the NYC DEC provide a better copy or on a real GIS map. One would think that a project that is approaching the cost of almost four billion dollars would be able to make a better presentation.

Finally, you may not be aware of the many bridge projects ongoing at or around the site of these outfalls (Cross Bronx Expressway, Alexander Hamilton Bridge, I-95) as well as the future rehab of the oldest bridge in the city, the Highbridge in 2013.

Given all these reasons, a public hearing on this matter is requested.

Sincerely,

Karen Argenti

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Encl

[2] http://www.iec-nynjct.org/reports/cso88/chapter3.pdf from the Interstate Environmental Commission report: COMBINED SEWER OUTFALLS in the Interstate Sanitation District (1988) COMBINED SEWER OUTFALLS in the Interstate Sanitation District (http://www.iec-nynjct.org/publications.htm)