



**NOTICE OF POSITIVE DECLARATION, INTENT TO PREPARE A  
DRAFT ENVIRONMENTAL IMPACT STATEMENT, LEAD  
AGENCY DECLARATION, DRAFT SCOPE OF WORK, AND  
PUBLIC MEETING**

**Rohit T. Aggarwala**  
*Commissioner*

**Newtown Creek Combined Sewer Overflow (CSO) Storage Tunnel Project**

**Angela Licata**  
*Deputy Commissioner of  
Sustainability*

**CEQR NO. 24DEP053Y**  
**February 5, 2025**

59-17 Junction Blvd.  
Flushing, NY 11373

In accordance with the State Environmental Quality Review Act (SEQRA) (Section 8-0113, Article 8 of the Environmental Conservation Law) as set forth in 6NYCRR Part 617, the City Environmental Quality Review (CEQR) process, as set forth in Executive Order 91 of 1977 and its amendments, as well as the State Environmental Review Process (SERP), as required by the State Revolving Fund Loan Program, the New York City Department of Environmental Protection (DEP) is hereby issuing a Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS), a Lead Agency Determination, a Draft Scope of Work for a DEIS, and a schedule for a public meeting to take comments on the Draft Scope of Work for the Newtown Creek Combined Sewer Overflow (CSO) Storage Tunnel Project.

Attached is a copy of the Draft Scope of Work and Environmental Assessment Statement parts I and II for your review.

**Public Meeting**

A public meeting is scheduled to receive public comments on the Draft Scope of Work for the DEIS on **March 12, 2025 at 7:00 PM**. Register for the virtual public meeting at: <http://bit.ly/42gpuzO>.

Written comments on the Draft Scope of Work will be accepted until **April 11, 2025**, and a Final Scope of Work, incorporating changes based on relevant comments received, will be issued. Responses to comments given during the formal meeting and written comments received will be provided as part of the Final Scope of Work. The draft scope of work is available on the DEP website at: <https://www.nyc.gov/site/dep/about/newtown-creek-cso-storage-tunnel-project.page>. Hard copies can be made available upon request.

**Project Description**

DEP is preparing a full environmental review to disclose potential significant adverse environmental impacts from the construction and operation of a combined sewer overflow (CSO) tunnel and additional infrastructure to reduce the volume of CSO entering Newtown Creek, under the Newtown Creek CSO Storage Tunnel project (the "Proposed Project"). The environmental review is to inform City of New York (City) decision makers prior to any decision for siting infrastructure that is the subject of land use approvals under the Uniform Land Use Review Procedure

(ULURP). The Proposed Project will be reviewed in accordance with the New York State Environmental Quality Review Act (SEQRA), City Environmental Quality Review (CEQR), and ULURP.

DEP is subject to a CSO Order on Consent, New York State Department of Environmental Conservation (NYSDEC) Case No. CO2-20110512-25 with modification to Case No. C02-2000107-8 Appendix A. In response to the Order on Consent, DEP prepared the Newtown Creek CSO Long-Term Control Plan (LTCP), which NYSDEC approved in June 2018. Pursuant to the CSO Order on Consent and the LTCP (and recently approved modifications to the LTCP-recommended project), DEP is proposing a 3.26-mile CSO tunnel with a storage volume of 50 million gallons (MG) to divert overflows from outfalls Bowery Bay (BB)-026, Newtown Creek Brooklyn (NCB)-015, NCB-083, and Newtown Creek Queens (NCQ)-077 into Newtown Creek, located on the border of Brooklyn and Queens. Please see the Draft Scope of Work, enclosed herein, for the complete list of properties along the tunnel alignment.

The Proposed Project would include the CSO tunnel along with diversion chambers, drop shafts, conveyance sewers, new outfalls, and odor control systems. During wet-weather events, the CSO storage tunnel would divert and store CSOs from the combined sewer system at the four outfall locations. The CSOs retained in the tunnel would be pumped to the Newtown Creek Wastewater Resource Recovery Facility (WRRF) for treatment.

The proposed CSO storage tunnel would be at a depth ranging from 80-130 feet below existing ground surface, and approximately 26 feet in diameter. The tunnel alignment would run from a site in Brooklyn (on the southern side of the Creek) near Whale Creek and the Newtown Creek WRRF, east under the Creek into the Blissville neighborhood of Queens, continuing south and east along Review Avenue, underneath the Kosciusko Bridge toward the Maspeth section of Queens, then curving south and then west into Brooklyn. In addition to the tunnel, the Proposed Project would include:

- A tunnel dewatering pump station (TDPS), located at the Whale Creek site, that would operate on an intermittent basis following wet-weather events to remove the stored combined sewage from the tunnel, as well as removing inflow and infiltration in the tunnel as needed during dry weather, when the Newtown Creek WRRF has capacity to receive tunnel dewatering flows.
- Diversion facilities at outfalls BB-026, NCQ-077, NCB-083, and NCB-015 to divert CSOs from the outfalls to the tunnel.
- A new gravity diversion sewer to connect outfall BB-026 to the tunnel.

Construction of the Proposed Project is expected to take 11 years. The Proposed Project's expected year of completion is 2039.

### **Required Approvals**

The construction of the Newtown Creek CSO Storage Tunnel may require several discretionary actions, including approval by the federal, state, and local entities. For a full list of potentially required permits and approvals, please refer to the Draft Scope of Work, enclosed herein.

### **Statement of Potential Significant Effect(s)**

On behalf of DEP, the Bureau of Environmental Planning and Analysis has determined the proposed program is a Type I Action and that it may have potential significant effects on the environment. Based on preliminary analyses, DEP has concluded that an Environmental Impact Statement should be prepared to fully disclose the complex issues associated with the Proposed Project.

### **Lead Agency Determination**

DEP believes that it is the appropriate lead agency, and DEP wishes to undertake a coordinated review with all involved agencies. DEP's Bureau of Environmental Planning and Analysis contact person should be notified within thirty (30) days of the date of this letter if any of the potentially involved parties objects to DEP's lead agency status. If no objections are heard within that time frame, DEP will continue to act as lead agency for the purposes of this environmental review.

### **Contact Person**

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