

CONEY ISLAND CREEK PUBLIC COMMENT RESPONSE

Public Letters Received:

1. S.W.I.M. Coalition, December 4, 2015. S.W.I.M. Coalition Comments on the forthcoming Coney Island Creek CSO Long Term Control Plan

Thank you for submitting your comments on the Coney Island Creek CSO Long Term Control Plan (LTCP). We offer the following in response to your collective comments.

1. Improving Public Outreach and Public Presentations

Response:

- *Based on comments received to date, the New York City Department of Environmental Protection (DEP) has implemented several improvements to its Public Participation Program over the course of the LTCP Program, including attendance of senior staff at meetings, streamlining presentations and securing larger venues for meetings.*
- *Early in the LTCP process for each waterbody, DEP reaches out to the local Community Board to identify potential stakeholders. In addition to public meetings, DEP meets with Community Boards, Borough Boards, Council members and environmental groups to discuss LTCP projects.*
- *Advertisements for public meetings are placed in local publications 3 weeks prior to the meeting, and public meeting notices are posted on DEP's website, Twitter, and Facebook and emailed to distribution lists.*
- *DEP has established an email address on its LTCP homepage to accept public comments.*
- *Specifically for the November 17, 2015 meeting, notices were published in Bayside Times, Flushing Times, Queens Time Ledger, Caribbean Life, and La Voz, and were also posted on the DEP website and emailed to a mailing list maintained by DEP.*

2. Coordination with MS4 and other programs and reduction of other industrial pollution sources.

Response:

- *Part of the work of the LTCP is to identify sources of pollution causing non-attainment of water quality standards, but the scope of the CSO LTCP, in accordance with the CSO Order and the United States Environmental Protection Agency (EPA) CSO policy, is to focus on alternatives to address the impacts of CSOs. It is not unusual for a CSO LTCP to identify non-CSO sources contributing to non-attainment of water quality standards (WQS), but those sources must be addressed by other programs such as the Municipal Separate Storm Sewer System (MS4) program or the tracking down of illicit connections.*
- *In regard to development of Total Maximum Daily Loads (TMDLs) for these waterbodies, the New York State Department of Environmental Conservation (DEC) should be consulted regarding their 303(d) list and plans for TMDLs.*

3. Integration with Area-wide Planning. DEP should evaluate how Economic Development Corporation's Feasibility Study could impact the water quality improvement plan.

Response:

- *DEP is a participant in the Economic Development Corporation (EDC) study and is coordinating efforts with EDC.*

4. Existing waterbody uses. DEP's water quality improvement plans for Coney Island Creek should propose alternatives that ensure the waterbody be ultimately fishable and clean enough for the educational programs.

Response:

- *DEC's November 2015 rulemaking required all waters in NYC to comply with primary contact bacteria standards (200 cfu/100 ml).*
- *According to DEC's responses to public comments on their revisions to WQS, "a person (or groups of people) swimming in a water that does not meet primary contact recreation standards does not constitute an existing use. Requiring water quality to be suitable for primary contact recreation provides protection that is equivalent to designating primary contact recreation as a best use for the same waters."*
(see <http://www.dec.ny.gov/regulations/103760.html>)
- *It should be noted that the gap analysis presented in Section 6 of the LTCP indicates that the primary contact criteria are not projected to be fully attained even with 100 percent CSO control and illicit discharges mitigated, and that 100-percent CSO control had virtually no impact on the percent of time that the waterbody would be in attainment of the WQS for Coney Island Creek.*

5. Illicit sewer connections. DEP should provide a clear communication with citizens of investigative process for elimination illegal discharges.

Response:

- *Through its Compliance Monitoring Section and the Sentinel Monitoring Program, DEP regularly monitors the waters in and around New York City for evidence of dry weather discharges of sewage.*
- *Outfall surveys are routine system-wide DEP surveillance programs looking for evidence of dry weather discharges and potential illicit discharges. The surveys are implemented under the individual permits for the City's 14 WWTPs. The DEP Shoreline Survey Program surveys 50 percent of the shoreline every five years, with the remaining 50 percent surveyed in the following five years. Progress toward this goal is made annually with outfall surveillance done by land, boat, and rigid inflatable rubber raft, and an updated outfall list is submitted to DEC annually in April.*
- *The goal of the Sentinel Monitoring Program is to enhance the Shoreline Survey by detecting continuous, intermittent and/or transitory dry weather discharges. The program achieves this goal through quarterly monitoring and sampling of 80 ambient stations throughout the City's harbor. Sentinel Monitoring Program sampling station S-21 is located at the mouth of Coney Island Creek.*
- *DEP has actively responded to reports of illicit connections. The work of identifying and tracking down sources of illicit connections is a time-consuming and gradual process, but it is an important process. DEP periodically reports to the DEC on specific illicit connection tracking efforts and a city-wide Sentinel Monitoring Program report is submitted to DEC annually.*

- *Regarding the impact of illicit connections on the CSO LTCP, part of the work of developing a CSO LTCP is to define the sources of pollutants that are contributing to non-attainment of water quality standards, through water quality sampling programs and modeling of the collection system and receiving waters. In accordance with the Clean Water Act (CWA) and the National CSO Policy, which is incorporated into the CWA, CSO LTCPs are intended to focus on mitigating the impacts of CSOs on water quality. It is not unusual for non-CSO sources of pollution to be identified as part of the LTCP process, but those other sources need to be addressed through other programs such as the illicit track-down work that DEP has conducted and is continuing to conduct in Coney Island Creek. The LTCP modeling of baseline water quality conditions, and the assessment of performance of CSO control alternatives assumes that known illicit sources will be mitigated.*

6. The LTCP should maximize the use of cost-effective green infrastructure (GI) to reduce CSOs

Response:

- *DEP has revised the expected green infrastructure targets for a number of waterbodies covered by LTCPs based on its experience to date in implementing green infrastructure throughout the City. The green infrastructure target for Coney Island Creek, however, has not changed. As part of each LTCP, opportunities for additional green infrastructure implementation are considered as part of the alternatives evaluation process. However, the challenges encountered to date in implementing green infrastructure have resulted in limited opportunities for additional green infrastructure beyond the targeted levels. DEP acknowledges the benefits of green infrastructure, and remains committed to its implementation city-wide.*

DEC approved the Coney Island Creek Long Term Control Plan on April 4, 2018. Between the time when these comments were submitted (December 4, 2015) and when the LTCP was approved, DEP made significant progress on addressing these particular concerns including improving public participation by: simplifying meeting invites, coordinating dates and locations with CB13 and Coney Island Beautification Project, improving presentations and holding additional meeting upon request, and updating informational materials. In addition, as part of an integrated planning approach which includes green infrastructure and public education and outreach, the City released the Draft NYC Stormwater Management Plan on April 5, 2018 which identified Coney Island Creek as a priority MS4 waterbody. For more information on programs and efforts designed for Coney Island Creek visit www.nyc.gov/dep/ms4.