February 8, 2018

The Honorable Basil Seggos
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Mr. Gary Kline
New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, NY 12233-3506

Re: Comments on Proposed Amendments to New York City Combined Sewer Overflow Consent Order (NYC CSO Order)

Dear Commissioner Seggos and Mr. Kline,

On behalf of the Waterfront Alliance, I am writing to urge New York State Department of Environmental Conservation (DEC) to require New York City to implement much stronger CSO controls than those in the proposed “2018 Updates” to the NYC CSO Order, on which DEC has invited public comment.

Over the last generation, many of New York’s waterways have become clean enough for regular recreational use, as more people are boating, fishing, and swimming in our shared waters thanks to progress spurred by the Clean Water Act and capital improvements made by both the City and the State and oversight by DEC. New York Harbor is now a more conducive place for fish, shellfish, and marine bird populations, even as commercial shipping grows.

But we still have a long way to go in order to meet the standards of “fishable and swimmable” waters. While toxins in our waterways have been reduced considerably, significant problems persist, including combined sewer overflow, with wastewater discharging directly into the city’s waterways. The current proposals would enshrine underinvesting in solutions to New York City’s antiquated combined sewer system.

Unfortunately, these plans fall short of what is needed to properly clean our waters. They fail to meet federal health standards for contact with the water. After implementation, they will continue to allow billions of gallons of sewage to overflow annually into our waterways. They rely, in many cases, on incomplete solutions like diverting CSOs from one place to another, or opting instead for a chlorine disinfection technique, which would kill indicator bacteria rather than clean the waterways. The plans also fail to require the City to maximize the use of green infrastructure to reduce overflows. Several plans allocate a decade or more to complete the system upgrades.
Further, the manner in which the City developed and sought approval for the Long Term Control Plans (LTCPs) has limited stakeholder participation in the process, and has raised strong community opposition to the plans. We understand the enormous challenge of addressing the New York City’s CSO pollution. However, the proposed approach does not hold the City to the clean water standards that New Yorkers deserve. Instead, the amendments would ratify incomplete solutions and decades of delay that would not adequately solve the problem.

New York City should be a world leader with healthy waterways for everyone to use. We look forward to the day when we do not look longingly on the Hudson, East, or Bronx Rivers on a sunny day after heavy rainfall the day before, and when untreated sewage poses no longer poses health risks to paddlers, swimmers, and marine habitat. After more than a century of this pollution from the City’s antiquated sewers, we must not wait for decades more.

We urge you to hold New York City Department of Environmental Protection accountable for the development and approval of LTCPs that provide real relief for New York City’s polluted waterways and unlock the full potential of our waterways as a vital resource for all New Yorkers.

Thank you for your review and attention to this matter. If you have any questions about this letter, please feel free to call me at (212) 935-9831.

Sincerely,

Roland Lewis
President and CEO