January 17, 2020

Vincent Sapienza, P.E.
Commissioner
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Sent via Email: ltcp@dep.nyc.gov and vsapienza@dep.nyc.gov

RE: Citywide and East River/Open Waters LTCP Recommended Plan Meeting

Dear Commissioner Sapienza:

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 (CSO), with wastewater discharging directly into the City's waterways. CSO discharges from the City’s combined sewer system is the largest ongoing source of pollution in our 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.

This is problematic on its own, but coupled with new residential and infrastructure projects being planned at the water’s edge, ranging from the Flushing Waterfront Development to Bronx Point, and massive new rentals
coming to Coney Island (all near CSO outfalls), the water quality impacts of CSOs present an enormous challenge.

We encourage the City to maximize the use of green infrastructure to reduce overflows. Several plans allocate a decade or more to complete the system upgrades. These Low Impact Development (LID) technologies include conservation easements, on-site source controls (e.g., green roofs, rain gardens, rain barrels, etc.), stream buffers, urban redevelopment technologies, decentralized wastewater treatment, water reuse, and wetlands restoration. LID options can be effectively used separately from, or in combination with, end-of-pipe CSO solutions.

**BETTER DATA COLLECTION AND ANALYSIS**

The rainfall totals for the long-term plan, which are from 2008, are outdated and do not consider the City’s growth or the increasing number and strength of rainstorms each year. Furthermore, water quality results presented by DEP do not align with the years of water quality testing conducted by citizen science programs in these same waters.

**STORM RESILIENCY**

An important and pressing issue facing New York City in parallel to CSO outflows is climate adaptation and storm resiliency. Climate change is expected to shift the intensity, frequency, and cumulative annual amount of precipitation, affecting precipitation-based flooding potential and drought. Our region can expect to see up to a 11 percent increase in precipitation by the 2050s. This is particularly important in urban areas. Broader strategies will be needed to ensure safety, and exemplary stormwater management can contribute to cumulative improvements.

Widespread green infrastructure will help mitigate storm surge effects by increasing the infiltration rate of floodwaters in coastal areas and because green infrastructure utilizes natural processes to manage stormwater, it has the potential to be more resilient than traditional grey infrastructure. In this way, green infrastructure can be used to build a more resilient city, capable of handling both influxes of sewage and urban runoff and excess stormwater without polluting the surrounding waterways.

Waterfront Alliance is pleased to participate in the January 29 public forum on LTCPs.
The process has had limited stakeholder participation in the past 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.

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 no longer poses health risks to paddlers, swimmers, and marine life. After more than a century of this pollution from the City’s antiquated sewers, we must not wait for decades more.

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 x101.

Sincerely,

Roland Lewis
President and CEO