

*New York City Department of Environmental Protection
Bureau of Water Supply*

**2016 Long-Term Watershed Protection Plan
Addendum**

December 27, 2017

*Prepared in accordance with the Revised 2007 New York State Department of
Health Filtration Avoidance Determination*



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A.1 Introduction

This document provides an update to the 2016 Long-Term Watershed Protection Plan (Long-Term Plan), which memorializes New York City's long-running source water protection program. The New York City Department of Environmental Protection (DEP) is the City agency charged with primary responsibility for overseeing the operation, maintenance, and management of the water supply infrastructure and the protection of the 1,972 square-mile watershed. Since its first filtration waiver was issued nearly 25 years ago, DEP has, with support from its watershed partners, implemented a wide variety of watershed protection programs which have ensured the continued high quality of the Catskill/Delaware supply.

The Revised 2007 Filtration Avoidance Determination (FAD) requires the City to continue to implement a number of distinct programs that form the core of the overall source water protection program. Through periodic assessments, DEP has demonstrated the ongoing effectiveness of the overall program in preserving the high quality of the Catskill/Delaware waters. The City's most recent assessment of water quality data and trends, issued in March 2016, continue to point to a safe, reliable supply of drinking water for half the population of New York State. In December 2016, DEP submitted the 2016 Long Term Plan to the New York State Department of Health (NYSDOH) for continuation of the 2007-2017 filtration waiver for the Catskill/Delaware Systems.

This addendum describes the modifications to DEP's 2016 Long-Term Plan as a result of the preparation of the 2017 Filtration Avoidance Determination (2017 FAD). During the period between the issuance of the Long-Term Plan and the development of the 2017 FAD, DEP continued the watershed programs and reporting requirements contained in the Revised 2007 FAD without interruption. In general, the changes between the Long-Term Plan and 2017 FAD are not significant. These include non-substantive changes updating milestones to reflect the current status of activities and ensuring that all relevant activities/milestones included in the Long-Term Plan have concomitant reporting milestones. Changes to the watershed programs are identified below. Please refer to the 2017 FAD for a complete description of the programmatic requirements.

A.2 Environmental Infrastructure

Septic and Sewer Programs. DEP is required to make additional funding available to the Small Business Septic System Program to address a total of 15 systems per year. A minimum of \$13 million shall be made available to this program through 2027.

The 2017 FAD requires DEP to work with the Catskill Watershed Corporation (CWC) to modify the Cluster System Program Rules, if the City and CWC conclude that modifications are necessary to facilitate implementation of cluster systems. Such modifications may include, but are not limited to: (i) incorporating defined time frames for milestones in project schedules; (ii) indicating that if the Study Phase determines that a cluster system(s) is not the most cost-effective wastewater solution for an area identified with septic system failures, then the consultant may recommend a more cost-

effective solution; (iii) clarifying that where a sewer extension to a City-owned WWTP or to a WWTP not owned by the City is the most cost-effective solution, the City will provide funding to ensure that operation and maintenance costs charged to the entities served by such a sewer extension are comparable to what they would be under the New Infrastructure and Community Wastewater Management Programs; and (iv) identifying operation and maintenance costs of cluster systems that are eligible for funding under the program.

Community Wastewater Management Program. The 2017 FAD requires DEP to provide funding for the design and construction of a community wastewater system for the Hamlet of Shokan.

Stormwater Program. DEP is required to contract with CWC to provide \$4,720,869 to replenish the Future Stormwater Funds to be used in accordance with MOA Paragraph 128.

A.3 Protection and Remediation Programs

Land Acquisition Program. The 2017 FAD requires DEP to continue to provide sufficient funding to support the Land Acquisition Program (LAP) in accordance with the 2010 Water Supply Permit (WSP) and program objectives. DEP shall deposit \$23 million into the land acquisition segregated account by July 1, 2018, another \$23 million by July 1, 2020, and another \$23 million by July 1, 2022 to support the core LAP program.

The 2017 FAD requires DEP to submit plans for each two-year period to solicit 350,000 acres of land from October 2018 through 2024. The FAD further specifies that acres solicited pursuant to the Streamside Acquisition Program (SAP) and City-funded Flood Buyout Program (NYCFFBO) may be credited 5 acres for every 1 solicited pursuant to the agreed methodology. A total of up to 20,000 acres per year of Watershed Agricultural Council (WAC), SAP, and NYCFFBO acres may be credited towards solicitation goals.

The 2017 FAD references the Town Level Assessments that DEP prepared in April 2017, and it requires the City to accept stakeholder comments on these assessments and, if warranted, to submit a modified 2012-2022 Long-Term Land Acquisition Plan to NYSDOH for approval. The City is also required to amend its agreement with CWC for the Local Consultation Funds Program to increase the levels of funding available to watershed municipalities to review updated Town Level Assessments.

The 2017 FAD includes a new requirement that DEP shall work with stakeholders to explore the feasibility of a program that would protect transitioning farms (agricultural land that is at risk of foreclosure or farms with retiring farmers). The goal of this program would be to secure an agricultural easement on the farm and transition the farm to new owners consistent with a Whole Farm Plan. DEP is required to report on the findings of this workgroup.

The 2017 FAD specifies that, based on the requirements of the 2010 WSP, the City shall submit evaluations of the NYCFFBO in 2018 and 2021. The City shall ensure that funding for full implementation of this program is continued during this evaluation period.

The 2017 FAD further requires that, based on the requirements of the 2010 WSP, the City shall submit a written evaluation of the WAC Forest Conservation Easement acquisition program, making recommendations as to whether the program should be continued, modified, or terminated, as well as any proposed improvements to the program.

In addition, DEP is required to conduct an evaluation of the SAP. If, in accordance with the City's 2010 WSP, a written determination is made by NYSDEC, in consultation with NYSDOH, the City, and other agencies or local governments, to authorize that a SAP be continued and expanded beyond the Schoharie Reservoir Basin, DEP is required to execute and register a contract to make a minimum of \$8 million available to implement or continue to implement such a program for the remainder of the 2017 FAD. Consistent with the WSP, such written determination will include addressing the City's recommendations for the program.

The 2017 FAD requires DEP to submit a report that evaluates the need, opportunities, and options for enhancing riparian buffer protection efforts in the Kensico and EOH FAD Basins, including, but not limited to, establishing a riparian acquisition program for these basins, either through the City's existing programs or another entity. The report shall discuss the metrics used for evaluating these options.

The 2017 FAD also requires DEP to participate in a workgroup convened to assess opportunities to use certain potentially developable LAP-acquired lands that have lower water quality protection value to facilitate relocation of development out of floodplains.

Stream Management Program. Under the 2017 FAD, DEP will be required to execute and register contracts or contract amendments with the Stream Management Program (SMP) partners to ensure continuity of funding sufficient to continue all SMP programs for the duration of the 2017 FAD. Funding shall be, at a minimum, equivalent, on an annual basis, to the level of funding provided to the SMP under the Revised 2007 FAD SMP partner contracts (excluding LFHM funding), with the addition of an annual inflation adjustment. Total funding for the 10-year period shall be a minimum of \$90 million.

In addition, DEP is required to execute and register contracts or contract amendments with SMP partners to make \$15 million available to support a minimum of 50 projects generated by Local Flood Analysis (LFA). The 2017 FAD also requires DEP to assess use of current and new LFA funding commitments on an annual basis.

The 2017 FAD includes a new requirement for DEP to support the use of funding for a pilot program to be administered by the Delaware County Soil and Water Conservation District (DCSWCD) and WAC that will coordinate the Catskill Stream Buffer Initiative

(CSBI) and the Conservation Reserve Enhancement Program (CREP) to implement CREP on fallow agricultural lands in Delaware County. This pilot program will be evaluated within 24 months and, based on the results of the pilot program, NYSDOH will make a determination as to whether a permanent program should be established.

The 2017 FAD also requires DEP to participate in a workgroup convened by NYSDEC to develop a coordinated plan for in-stream and riparian emergency recovery activities that may become necessary following flooding events.

East-of-Hudson Nonpoint Source Control. DEP must execute and register a contract or contract amendment with the East of Hudson (EOH) Watershed Corporation to provide \$22 million to support the design and construction of stormwater retrofits in the EOH FAD Basins and in basins upstream and hydrologically connected to the Croton Falls Reservoir. A total of \$7 million shall be specifically committed to support stormwater retrofits within EOH FAD basins and \$15 million shall be specifically committed to support stormwater retrofits within basins upstream and hydrologically connected to the Croton Falls Reservoir or within EOH FAD basins.

A new requirement of the 2017 FAD specifies that DEP must execute and register a contract with the Environmental Facilities Corporation (EFC), or any other organization approved by NYSDOH, to develop and administer a grant program that will provide \$3 million for preliminary planning for community wastewater solutions for eight selected areas in the EOH FAD basins where poorly functioning individual septic systems have the potential to impact water quality. The grant program will require that municipalities who apply for this funding will complete preliminary planning studies within four years from issuance of the 2017 FAD.

The 2017 FAD requires DEP to revise its contract with EFC for the EOH Septic Repair Program (SRP) to allow eligibility of septic systems located within basins upstream or hydrologically connected to Croton Falls Reservoir. Implementation of the program will be prioritized, with priority given to septic systems in the EOH FAD basins, including Lake Gleneida basin, and expanding within the basins upstream or hydrologically connected to Croton Falls Reservoir as program rules dictate and program capacity allows. The 2017 FAD also clarifies that City funding levels should support the repair, replacement, or connection to a WWTP for at least 35 residential systems per year in the four EOH FAD basins, while requiring DEP to assess the SRP in March 2022 to determine whether funding levels are appropriate to meet demand.

A.4 Conclusion

Over the last 25 years, DEP and its partner agencies and organizations have developed and implemented an aggressive and comprehensive watershed monitoring and protection program that has not only maintained but has enhanced the high quality of Catskill/Delaware water. This program has been recognized internationally as a model for watershed protection and has enabled the City to secure a series of waivers from the federal filtration requirements for

surface drinking water supplies. The current plan, as amended here, represents DEP's continued commitment to long-term watershed protection.