



NEW YORK CITY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION
DEC Case # CO2 - 20000107-8 as modified by DEC Case # CO2-2007-0101-1

Combined Sewer Overflow Order on Consent

Quarterly Progress Report – First Quarter 2010



March 2010



Caswell F. Holloway
Commissioner

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April 30, 2010

Mr. Joseph DiMura, P.E.
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Re: Order on Consent (CSO Order)
DEC Case # C02-20070101-1
Citywide CSO Program – Quarterly Report

Dear Mr. DiMura,

In accordance with Section IV, Paragraphs A-C of the above referenced Consent Order, the New York City Department of Environmental Protection hereby submits the Citywide CSO Quarterly Report for the period of January 1 through March 31, 2010.

Should you require further information, please contact me at (718) 595-6208.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Roy Tysvaer'.

Roy Tysvaer, P.E.

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Department of Environmental Protection
Bureau of Engineering Design & Construction

CSO Order on Consent

DEC Case # CO2 - 20000107-8 as modified by DEC Case # CO2-2007-0101-1

QUARTERLY PROGRESS REPORT

FIRST QUARTER 2010
(January 1 – March 31)

April 30, 2010

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1.0 Executive Summary

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20070101-1 (the “Order”); was entered into by the City of New York (“City”) and the New York State Department of Environmental Conservation (“DEC”) on January 14, 2005 and modified on April 14, 2008 and on September 3, 2009. Pursuant to Section IV, Paragraph A of the Order, the City shall submit quarterly status reports to DEC (“Quarterly Reports”). The Quarterly Reports shall describe the actions that have been taken toward achieving compliance with this Order during the past three-month period. This Quarterly Report sets forth the status of and progress by the New York City Department of Environmental Protection (“DEP”) in complying with the milestones set forth in the Order during the period from **January 1, 2010 to March 31, 2010**.

Critical Events This Quarter:

The following critical events occurred this quarter:

- 1) **DEP submitted a Notice of Force Majeure for the Alley Creek CSO Retention Facility on February 8, 2010 related to a job action by Electrical Union Local 3 from January 20 through 22, 2010.**
- 2) **DEP submitted a Notice of Force Majeure for the Inner Harbor Flushing Tunnel Modernization on February 26, 2010 related to property access limitations stemming from an unresolved legal dispute between the property owner (Port Authority of NY/NJ) and the property tenant.**
- 3) **DEP certified Construction Completion of the Paerdegat Basin Foundations and Substructures on January 5, 2010.**
- 4) **DEP issued a Notice of Force Majeure on February 12, 2010 related to the January 25, 2010 Notice of Claim and Appeal issued by the Surety.**
- 5) **DEP submitted a Modification Request for multiple milestones under Newtown Creek CSO on March 31, 2010. Originally scheduled to be submitted at the end of January 2010, DEP requested an extension to March 31, 2010 in a letter dated February 1, 2010 that DEC acknowledged and accepted on March 4, 2010. The biological and water quality data reports related to Aeration Zone I were provided to DEC on February 1, 2010.**
- 6) **DEP issued the Notice to Proceed to Construction to the contractor for the Jamaica Bay Hendrix Creek Dredging project and certified compliance with the NTP milestone on March 1, 2010. The milestone date for the NTP in the Order is February 2010. DEC acknowledged receipt of the NTP on March 12, 2010.**

Major Actions This Quarter:

Table 1 presents the milestones that occurred this quarter. For each milestone listed in Table 1 below, either met or postponed, written notification was submitted by DEP to DEC.

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on **February 9, 2010. The meeting was held in Kingston, NY** to discuss issues related to the Order and review milestones met during the last quarter.

Table 1 – Milestones This Quarter (Jan 2010 - Mar 2010)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	MILESTONE DATE	ACTION REQUIRED	STATUS
Inner Harbor	Flushing Tunnel Modernization	Feb 2010	Notice to Proceed to Construction	Certified 10/2/2009
Inner Harbor	Gowanus Pump Station Reconstruction	Feb 2010	Notice to Proceed to Construction	Certified 10/2/2009
Inner Harbor	Submit Approvable Gowanus Canal LTCP	Jan 2010	Submittal	Modified to Jan 2011
Coney Island Creek	Submit Approvable LTCP	Jan 2010	Submittal	Modified to Jan 2011
Jamaica Bay	Hendrix Creek Dredging	Feb 2010	Notice to Proceed to Construction	Certified 3/1/2010

Table 2 – Milestones to be Considered for Potential Modification

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	MILESTONE DATE	ACTION REQUIRED	REASON FOR MODIFICATION
Alley Creek	Drainage Basin Specific LTCP	Apr 2010	Submit Approvable Drainage Basin Specific LTCP for Alley Creek	Modification Request submitted 2/26/2010
Newtown Creek	Aeration Zone II	Jun 2010	Final Design Completion Including CPM Analysis	Modification Request submitted 3/31/2010
Newtown Creek	Relief Sewer / Regulator Modification	Jun 2010	Notice to Proceed to Construction	Modification Request submitted 3/31/2010

DEP continued to make progress in the planning, design and construction of its CSO facilities during this quarter, as documented in this report.

Major Actions Next Quarter:

Table 3 shows milestones to be met next quarter. The following major actions are expected to occur between April 2010 and June 2010:

- ◆ Schedule and hold the next Quarterly Progress Meeting between DEC and DEP on May 6, 2010 at the 26th Ward WPCP in Brooklyn.
- ◆ Submit Modification Request for Construction Completion of Regulator Improvements (Automation) for the Outer Harbor, Inner Harbor, and Jamaica Tributaries

- ◆ **Submit Modification Request for Expansion of Wet Weather Capacity of Jamaica WPCP under Jamaica Tributaries**
- ◆ **Submit Modification Request for Final Design Completion including CPM Analysis for Westchester Creek Phase I (Influent Sewers)**
- ◆ **Submit Modification Request for Final Design Completion including CPM Analysis for Hutchinson River Phase I of the Storage Facility**
- ◆ **Certify Construction Completion of 26th Ward Drainage Area Sewer Cleaning and Evaluation for Jamaica Bay**
- ◆ **Submit Modification Request for Final Design Completion including CPM Analysis for 26th Ward Wet Weather Expansion for Jamaica Bay**

Table 3 – Milestones Next Quarter (Apr 2010 - Jun 2010)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	MILESTONE DATE	ACTION REQUIRED	STATUS
Alley Creek	Drainage Basin Specific LTCP	Apr 2010	Submit Approvable Drainage Basin Specific LTCP for Alley Creek	Modification Request submitted 2/26/2010
Outer Harbor	Regulator Improvements – Automation	Jun 2010	Construction Completion	Modification Request to be submitted
Inner Harbor	Regulator Improvements – Automation	Jun 2010	Construction Completion	Modification Request to be submitted
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2010	Submit Form 2A SPDES Application	Modification Request to be resubmitted
Jamaica Tributaries	Regulator Improvements – Automation	Jun 2010	Construction Completion	Modification Request to be submitted
Newtown Creek	Aeration Zone II	Jun 2010	Final Design Completion Including CPM Analysis	Modification Request submitted 3/31/2010
Newtown Creek	Relief Sewer / Regulator Modification	Jun 2010	Notice to Proceed to Construction	Modification Request submitted 3/31/2010
Westchester Creek	Phase I (Influent Sewers)	Jun 2010	Final Design Completion Including CPM Analysis	Modification Request to be submitted
Hutchinson River	Phase I (Storage Facility)	Jun 2010	Final Design Completion Including CPM Analysis	Modification Request to be submitted
Jamaica Bay	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2010	Construction Completion	Completed; Certification in process
Jamaica Bay	26th Ward Wet Weather Expansion	Jun 2010	Final Design Completion Including CPM Analysis	Modification Request to be submitted

Table 4 – Milestones with Force Majeures and Modification Requests Outstanding

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION(S)	REASON FOR ACTION(S)	MILESTONE DATE	STATUS
Alley Creek	CSO Retention Facility	Notice of Force Majeure	Deteriorated Sewer; Job action by Electrical Union	Dec 2009	Modification Request, Force Majeure submitted
Inner Harbor	In-Line Storage	Force Majeure	Unmapped Utilities; Discontinued Equipment Manufacturer	Construction Completion Aug 2010	Construction in progress
Inner Harbor	Submit Approvable Gowanus Canal LTCP	Modification Request submitted	LTCP Process to be Defined	Jan 2010	Modified to 1/31/2011
Inner Harbor	Flushing Tunnel Modernization	Notice of Force Majeure	Property access limitations	Dec 2014	Force Majeure submitted
Paerdegat Basin	Foundations and Substructures	Notice of Force Majeure	Notice of Claim and Appeal issued by the Surety	Dec 2009	Milestone Certified Complete 1/5/2010
Coney Island Creek	Submit Approvable LTCP	Modification Request submitted	LTCP Process to be Defined	Jan 2010	Modified to 1/31/2011
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Mod Request	Cost- Effective Alternative	Initiate Final Design Jun 2009	Under negotiation between DEC and DEP to update modification request
Newtown Creek	Aeration Zone II Sewer Modifications Throttling Facility Storage Facility	Mod Request & WWFP	Cost- Effective Alternative	Jun 2010* Jun 2009* Jun 2009* Nov 2010*	Revised Modification submitted on 3/31/2010

*Next upcoming Milestone date for each item, i.e.: Final Design Completion for Aeration Zone II and Sewer Modifications; Notice to Proceed to Construction for the Throttling Facility; and Initiate Final Design for the Storage Facility.

2.0 Construction Contracts

The Order contains milestones and schedules governing the planning, design and construction of DEP's Citywide CSO Program. Numerous CSO related facilities will be constructed to reduce combined sewage discharges to the receiving waters surrounding the City. The table below provides a list of construction contracts, identified in Appendix A of the Order, necessary to fulfill the requirements of the Order. This table identifies, by percentage, the estimated amount of construction that has been completed.

Table 5 – Construction Contracts and their Status

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PROJECTED COMPLETION	% OF TIME ELAPSED	% OF CONSTRUCTION COMPLETED⁽¹⁾
Alley Creek	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	Completed	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009 ⁽²⁾	May 2010	100%	83%
Outer Harbor	Regulator Improvements – Fixed Orifices	Feb 2006	Jul 2008	Completed	100%	100%
	Regulator Improvements – Automation	Nov 2007	Jun 2010	May 2011	90%	76%
	Port Richmond Throttling Facility	Jun 2006	Nov 2009 as modified	Completed	100%	100%
Inner Harbor	Regulator Improvements – Fixed Orifices	Feb 2003	Apr 2006	Completed	100%	100%
	Regulator Improvements – Automation	Nov 2007	Jun 2010	May 2011	90%	76%
	In-Line Storage	Aug 2007	Aug 2010	Jun 2010	86%	95%
	Gowanus Flushing Tunnel Modernization	Feb 2010	Sep 2014	Sep 2014	2%	<1%
	Gowanus Pump Station Reconstruction	Feb 2010	Sep 2014	Sep 2014	2%	<1%
	Dredging of Gowanus Canal	TBD⁽³⁾	TBD⁽³⁾	TBD	-	-
Paerdegat Basin	Influent Channel	Feb 1999	Feb 2002	Completed	100%	100%
	Foundations and Substructures	Jun 2002	Dec 2009	Completed	100%	98% ⁽⁴⁾
	Structures and Equipment	Sep 2005	May 2011	Feb 2011	79%	85%
	Dredging of Paerdegat Basin	TBD⁽³⁾	TBD⁽³⁾	TBD	-	-
Flushing Bay	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	Completed	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	Completed	100%	100%
	Storage Tank	Jul 1997	Aug 2001	Completed	100%	100%
	Mechanical Structures	Mar 2002	Sep 2009	Completed	100%	100%
	Tide Gates	Dec 2000	Apr 2002	Completed	100%	100%

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PROJECTED COMPLETION	% OF TIME ELAPSED	% OF CONSTRUCTION COMPLETED ⁽¹⁾
	Manual Sluice Gates	Feb 2004	Jun 2005	Completed	100%	100%
	Tallman Island WPCP Conveyance Improvements	Dec 2011	Jul 2015	Jul 2015	-	-
Jamaica Tributaries	Meadowmere & Warnerville DWO Abatement	Jun 2006	Jul 2009 as modified	Completed	100%	99% ⁽⁴⁾
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	TBD⁽⁵⁾	-	-
	Destratification Facility	Sep 2010	Mar 2012	Mar 2012	-	-
	Regulator Automation	Nov 2007	Jun 2010	May 2011	90%	76%
Coney Island Creek	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	Aug 2011	80%	53%
	Avenue V Force Main	Jul 2007	Jun 2012	Dec 2010	54%	85%
Newtown Creek	Aeration Zone I	Dec 2005	Dec 2008	Completed	100%	100%
	Aeration Zone II	Jun 2011	Jun 2014	TBD⁽⁵⁾	-	-
	Relief Sewer / Regulator Modification	Jun 2010	Jun 2014	TBD⁽⁵⁾	-	-
	Throttling Facility	Jun 2009	Dec 2012	Jun 2010	21%	40%
	CSO Storage Facility	Dec 2015	Dec 2022	TBD⁽⁵⁾	-	-
Westchester Creek	Phase I (Influent Sewers)	Jun 2011	Jun 2015	TBD⁽⁵⁾	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	TBD⁽⁵⁾	-	-
Bronx River	Floatables Control	Jun 2009	Jun 2012	Jun 2012	26%	5%
Hutchinson River	Phase I of the Storage Facility	Jun 2011	Jun 2015	TBD⁽⁵⁾	-	-
	Future Phases	Dec 2016	Dec 2023	TBD⁽⁵⁾	-	-
Jamaica Bay	Spring Creek AWPCP Upgrade	Mar 2003	Apr 2007	Completed	100%	100%
	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2008	Jun 2010	Dec 2009	88%	100%
	Hendrix Creek Dredging	Feb 2010	Feb 2012	Sep 2011	4%	1%
	26th Ward Wet Weather Expansion	Jun 2011	Dec 2015	TBD⁽⁵⁾	-	-
	Rockaway WPCP Conveyance Improvements		Dec 2017	Dec 2017	-	-

Notes: (1) Percentage Construction Completion is generally tracked based on cost incurred.

(2) A modification to the completion date from 12/31/2009 to 11/10/2010 was submitted to NYSDEC on 10/30/ 2009.

(3) Dredging NTP 3 years from effective date of permit; completion within 5 years of EDP

(4) CSO Consent Order elements completed and a Certification of Construction Completion has been submitted.

(5) Item to be replaced or enhanced through Modification Request Process.

3.0 Detailed Description of Work Performed

3.1 Alley Creek CSO

The Alley Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall TI-008, which discharges into Alley Creek at a location just south of Northern Boulevard on the west bank of Alley Creek. Little Neck Bay and Alley Creek receive discharges from 31 stormwater outfalls, as well as CSO Outfall TI-008; however, discharges from CSO Outfall TI-008 were determined to be the primary cause of water quality degradation within Alley Creek. CSO Outfall TI-008 serves a drainage area of approximately 1,975 acres within the Tallman Island Water Pollution Control Plant (WPCP) service area in the Borough of Queens. The Alley Creek Drainage Area Improvements/CSO Abatement Facilities Project, which has been designated as Phase I of the comprehensive Alley Creek CSO Abatement Facilities Plan, is being constructed in two stages:

1. Alley Creek Drainage Area Improvements (Phase I, Stage 1, Contract ER-AC1) and,
2. Alley Creek CSO Abatement Facilities (Phase I, Stage 2, Contract ER-AC2)

This section reports on the progress of Phase I, Stages 1 and 2 of the Alley Creek CSO Abatement Facilities Plan.

Phase I, Stage 1 (Contract ER-AC1) includes the construction of additional water mains, stormwater sewers and combined sewers, a double-barrel outfall sewer, an outfall structure, and a 5 million gallon CSO storage facility to substantially reduce street flooding and sewer surcharging; and to abate CSO discharges into Alley Creek within the CSO Outfall TI-008 drainage area.

Phase I, Stage 2 (Contract ER-AC2) includes activation of the 5 MG CSO storage facility, upgrading the Old Douglaston Pumping Station to enhance the station's reliability to pump the captured combined sewage to the interceptor system for conveyance to the Tallman Island WPCP for treatment, rehabilitation of the CSO Outfall TI-008 structure, and restoration of a 1.51-acre area surrounding CSO Outfall TI-008 to include restoration/creation of wetlands and replacement of invasive vegetation with indigenous plantings as mitigation for the area disturbed as a result of rehabilitation of the outfall structure.

Work Performed During This Quarter

Construction

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ Final Payment has been issued and the project is being closed out
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ **Activities continued for Contract ER-AC2. The principal work included the removal of the temporary CMU wall over the side weirs in the CSO Retention Facility and the installation of all equipment with the exception of the Air Treatment unit. The vessel for the Air Treatment unit is on site and the fan**

assembly is currently undergoing shop witness testing and should be delivered to the project site by the end of April, 2010. Construction of Contract ER-AC2 is currently at 83 percent complete.

- ◆ The DEP and CM have been coordinating with the Contractor to the remaining work to help recover time and update the CPM accordingly. The DEP continues to work with the Contractor, the CM, and the designer on recovering time. **The Electrical Contractor is currently working overtime on select items to accelerate progress.**
- ◆ **Monthly Recovery Meetings were held on December 18, 2009, January 22, 2010 and February 26, 2010 to identify key work tasks on the CPM Critical path that could be expedited. The NYCDEP, Contractor, CM, and the Designer established monthly goals for expediting these critical tasks to accelerate overall progress. These items are reviewed on a monthly basis until completed.**
- ◆ The Contractor activated the Interim Pumping Station (IPS) on May 26, 2009 and shut down the Old Douglaston Pumping Station (ODPS). **All equipment has been installed in the renovated ODPS and preliminary testing of each piece of equipment within the ODPS is ongoing.**
- ◆ **Construction progress meetings were held on January 8, 2010, February 5, 2010 and March 5, 2010 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ **Issues and Tasks meetings were held on January 22, 2010, February 26, 2010 and March 26, 2010 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ **DEP submitted a Notice of Force Majeure for the Alley Creek CSO Retention Facility on February 8, 2010 related to a job action by Electrical Union Local 3 from January 20 through 22, 2010.**

Missed/Modified Milestones

- ◆ The NYCDEP submitted a request to the NYSDEC on October 30, 2009 for a modification to the existing Milestone Date of December 31, 2009 to a new proposed Milestone Date of November 30, 2010. The basis of this request, the unexpectedly deteriorated condition of the influent sewer to the Old Douglaston Pumping Station, was reported to NYSDEC in a Force Majeure letter dated November 20, 2007 and updated on August 20, 2008 and February 3, 2009. **Technical discussions are ongoing, and DEC has not acted on the Modification Request as of the end of the quarter.**

Anticipated Activities for Next Quarter

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ Continue with project close out.
- Alley Creek CSO Retention Facilities – Phase I, Stage 2, Contract ER-AC2

- ◆ Construction under Contract ER-AC2 will continue, primarily focusing on activating the Old Douglaston Pump Station and the CSO Facility. Other activities will include start up, adjusting instrumentation and controls settings along with developing Standard Operating Procedures.
- ◆ Monthly Recovery Meetings will continue to be held, typically on the third Friday of the month, at the Engineers Field Office, to coordinate activities which can be accelerated to make up lost time to advance the project completion date.
- ◆ Monthly construction progress and Issues and Tasks meetings will be held on the fourth Friday of the month at the Engineer's field office.
- ◆ Change orders to Contract ER-AC2 will continue to be prepared and processed. Shop drawings, RFIs, etc. will be submitted and responses provided.

Table 6 – Alley Creek CSO Projects

	<i>Phase I, Stage 1</i>	<i>Phase I, Stage 2</i>
Plan Elements:	Alley Creek Drainage Area Improvements	Alley Creek CSO Abatement Facilities
Location:	46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens	Northern Boulevard and Alley Park in Bayside, Queens
Actions:	Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek	Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 2.5-acres of wetland/upland area surrounding CSO Outfall TI-008. The wetland/upland restoration work has been transferred to Contract ER-AC3
Cost:	\$98,850,487.61	\$33,169,759.50
Status:	Construction completed. Final close-out period.	83% complete with construction activities Notice of Force Majeure submitted to DEC in November 2007. A modification request was submitted on October 30, 2009. Notice of Force Majeure submitted to DEC on February 8, 2010

3.2. Outer Harbor CSO

The Outer Harbor CSO Facility Planning area consists of the drainage areas of the Port Richmond, Oakwood Beach, Owls Head and Coney Island (separately sewerage area) Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project (**Contract REG-026**) that addresses the milestones for regulator automation under Outer Harbor, Inner Harbor, and Jamaica Tributaries.

Phase I will provide improvements to 32 regulators in the Outer Harbor study area. Phase II entails the construction of a throttling facility in the Port Richmond east interceptor, which will provide the ability to store up to 5 MG upstream of the Port Richmond WPCP. The Citywide SCADA Project will automate regulators in Outer Harbor.

Work Performed During This Quarter

Construction

- Regulator Automation
 - ◆ Construction activities continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections, obtaining necessary permits and performing change/modification work.
 - ◆ **Negotiation meeting for Change Order No. 14 occurred on March 5, 2010. All negotiation meetings involved the Construction Manager, Design Engineer, Contractor, and DEP.**
 - ◆ **Weekly construction meetings occurred on January 7, 14, 21, 28, February 4, 11, 18, 25, March 5, 11, 18 and 25, 2010. Monthly Progress Meetings occurred on January 21, February 25 and March 18, 2010.**
 - ◆ **CPM Schedule update 17, which was submitted on January 13, 2010, showed a construction completion date of July 25, 2010. The critical path showed that the delay was due to the registration of Change Order No.9, which pertains to the acceleration of work. The schedule update 17 was accepted with comments. CPM schedule update 18, which was submitted on February 10, 2010, showed a construction completion of August 25, 2010 which is delayed by 31 calendar days from the previous schedule. The delay in the schedule is still due to change order registration of Change Order No. 9. The schedule update 18 was accepted with comments. CPM schedule update 19 was received on March 17, 2010 and shows substantial completion date of May 13, 2011. The critical path in the schedule shows**

the delay due to the addition of Change Order No. 14. The schedule update 19 was reviewed and accepted.

- Phase I Regulator Improvements
 - ◆ Construction complete. The certification of construction completion was submitted to DEC and a final inspection was completed by DEC. In a letter dated June 30, 2008, DEC certified compliance with the construction completion milestone
- Phase II Throttling Facility
 - ◆ DSDC activities continued, including shop drawing reviews and RFI responses.
 - ◆ The Contractor worked on the installation of the ultrasonic level sensor at the Port Richmond WPCP forebay, and on the installation of the pressure level sensors at throttling facility chamber.
 - ◆ The Contractor installed the ships ladder access into the top chamber of the facility.
 - ◆ Regular monthly construction progress meeting was held on November 4, 2009. The October 7 meeting was cancelled.
 - ◆ DEP certified Construction Completion of the Port Richmond throttling facility on November 20, 2009 in compliance with the modified milestone. The General contractor has punch-list items to complete.
 - ◆ **Completed Site Restoration**
 - ◆ **Completed O&M Manuals**
 - ◆ **Commenced Punch List work.**

Missed/Modified Milestones

- ◆ DEP submitted a Request for Modification of Milestone associated with the Port Richmond Throttling Facility to DEC on October 31, 2008. The basis for this request was unanticipated subsurface conditions encountered by the contractor, a Force Majeure event. DEP submitted a Notice of Force Majeure in November 2007 to DEC related to the subsurface conditions, and updates on this Force Majeure event were submitted in November 2007 and February 2008. DEC granted a modification of the Construction Completion Milestone on January 15, 2009. The Milestone was revised from December 31, 2008 to November 20, 2009.

Anticipated Activities for Next Quarter

Construction

- Regulator Automation
 - ◆ **Submit Modification Request for Construction Completion Milestone.**

- ◆ Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and commencing start up **and cut-over** services.
- Phase II Throttling Facility
 - ◆ Address final Design Services During Construction issues.
 - ◆ The contractor will continue construction activities, close-out submittals, and complete final punch-list items.
 - ◆ The contractor will begin training and O&M activities.
 - ◆ **Perform Final Field test for DEC certification on April 6, 2010.**
 - ◆ **Complete punch list items**
 - ◆ **Close-out project.**

Table 7 – Outer Harbor CSO Projects

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	Throttling Facility	Regulator Improvements – Automation
Location:	32 regulator sites throughout Brooklyn and Staten Island	Port Richmond WPCP	Regulator sites throughout Brooklyn and Staten Island
Actions:	Conversion to manually operated sluice gates, replacement of stop plank guides, manhole steps, standardization of manhole cover sizes	Installation of throttling facility and sluice gate in Port Richmond east interceptor sewer	Conversion to automated regulators
Construction Cost:	\$4,390,100	\$ 5,704,481.02	\$15,721,000*
Status:	Construction Complete	CSO Construction Completed.	Construction 76% Complete
Other Issues:	-	DEC granted Modification Request; revised Construction Completion date November 20, 2009 was met.	Although schedule was accelerated, delays to project due to unanticipated change order registration and factory acceptance testing issues will extend construction per schedule update 19.

*Construction cost represents original contract amount for REG-026

3.3. Inner Harbor CSO

The Inner Harbor CSO Facility Planning area consists of the drainage areas of the North River, Newtown Creek, and Red Hook Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the Lower East River, Hudson River, Upper New York Bay, and Gowanus Canal and Bay. This section reports on the progress of Phase I (Regulator Improvements), Phase II (In-Line Storage), and the automation of key regulators to be accomplished under the Citywide SCADA Project. In addition, the proposed elements of the August 2008 Gowanus Canal Waterbody / Watershed Facility Plan (as amended April 2009) became enforceable under the CSO Consent Order by reference upon approval by DEC, which was granted on July 14, 2009.

Phase I provides improvements to 72 regulators in the Inner Harbor study area. Phase II provides for in-line storage at two inflatable dam locations in the study area. The Citywide SCADA Project will automate regulators in Inner Harbor.

The key components include the rehabilitation of the Gowanus Canal Flushing Tunnel, reconstruction of the Gowanus Pumping Station, floatables controls at major CSOs, and environmental dredging at the head end of Gowanus Canal. Rehabilitating the Flushing Tunnel will eliminate shutdowns during low tide and many maintenance operations with the installation of a new pumping system with redundant, interchangeable pumps. The Gowanus Pumping Station reconstruction includes major improvements to operational reliability and the replacement of the force main to convey pumped flow directly to the Columbia Street Interceptor via **a new force main to be constructed within** the Flushing Tunnel. CSO screens will be retrofitted to RH-034 at the upstream side of the Gowanus Pumping Station. Environmental dredging in the upper 750 feet of the Gowanus Canal to a final water depth of 3.0 feet below mean lower low water will reduce exposure of CSO sediment mounds, thereby improving aesthetic conditions.

Gowanus Canal was added to the US EPA Superfund National Priorities List (NPL) on March 2, 2010. According to EPA, placing the Gowanus Canal on the list allows the Agency to further investigate contamination at the site and develop an approach to address the contamination.

Work Performed During This Quarter

Design

- In-line Storage
 - ◆ DEP submitted a Notice of Force Majeure in December 2007 to DEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date. An update on this Force Majeure event was submitted in a letter dated August 29, 2008.
 - ◆ Review of shop drawings, responses to RFIs and meetings continued this quarter.

- ◆ Preparation of plan of operations and Operating and Maintenance Manual continued this quarter.
- Gowanus Canal
 - ◆ The Gowanus Canal Waterbody / Watershed Facility Plan and the Gowanus Canal Facilities Upgrade Plans and Specifications were submitted to NYSDEC in August 2008 and approved on July 14, 2009 as amended.

Construction

- Regulator Automation
 - ◆ **Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.**
- Regulator Improvements
 - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was submitted to DEC on January 24, 2006 and the final inspection was completed by DEC. In a letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.
- In-line Storage
 - ◆ **Site activity complete at the B-6 site. Waiting for personnel training to initiate operation of the Dam.**
 - ◆ **At the R-20 site, the contractor continued the change order related work for the construction of the dam chamber. The contractor removed the flume and installed the dam. Site restoration was also finished this quarter.**
- Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station
 - ◆ A Notice to Proceed to Construction (NTP) was issued to the G contractor for the Gowanus Facilities Upgrades on September 14, 2009. DEP certified compliance with the NTP milestone on October 2, 2009 in a letter to NYSDEC. The milestone date for the NTP in the Order is February 2010.
 - ◆ **Construction continued during this quarter. The interim oxygen transfer system is being installed and is scheduled for completion on July 30, 2010. While this is a month past the scheduled July 1, 2010 date, the key milestone 1G date of August 30, 2010 is projected to be 10 days ahead of schedule at this time. By August 20, 2010, it is projected that an operating oxygen transfer system in the Gowanus Canal will allow the shutdown of the Flushing Tunnel and commencement of work on the new tunnel pumping system.**

- ◆ **Flushing Tunnel Modernization construction may be delayed by access restrictions imposed by American Stevedoring, Inc., the tenant on a waterfront property owned by the Port Authority of NY/NJ on which several hundred feet of the Flushing Tunnel and the intake are located. Because the tenant and owner are in litigation, PANYNJ informed DEP that they would not sign the access agreement that would allow work in this location. DEP submitted a Notice of Force Majeure related to the matter on February 26, 2010.**

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- In-line Storage
 - ◆ **Provide design support for punch list items and construction change orders if necessary for a satisfactory completion of the job.**

Construction

- Regulator Automation
 - ◆ **Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being executed under a single construction contract REG-026. Refer to Section 3.2 for an update on the status of this project.**
- In-line Storage
 - ◆ **Complete construction of chamber at the R-20 site.**
 - ◆ **Provide training for operating personnel.**
- Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station
 - ◆ Construction activities will continue.

Table 8 – Inner Harbor CSO Projects

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>	<i>Gowanus Canal Pumping Station and Flushing Tunnel</i>	<i>Dredging</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	In-Line Storage	Regulator Improvements – Automation	Rehabilitation of Pumping Station and Flushing Tunnel	Dredging Gowanus Canal Head End
Location:	72 regulator sites in Manhattan and Brooklyn	Upstream of regulators B-6 and R-20 in Brooklyn	Regulator sites in Manhattan and Brooklyn	Gowanus Pumping Station Property, Brooklyn	Gowanus Canal
Actions:	Conversion to fixed orifices	Installation of two inflatable dams in the combined sewer systems	Conversion to automated regulators	NTP Issued	Prepare and Submit Dredging Permit Application
Construction Cost:	\$9,500,000	\$11,200,000	Note 1	\$116,948,969	TBD
Status:	Construction Complete	Under construction, 95% complete	Note 1	Contractor Mobilized	Design Contract procurement in progress
Other Issues:		Force Majeure submitted to DEC in December 2007	Note 1	Force Majeure submitted to DEC in February 2010 related to site access at Flushing Tunnel intake.	

Note 1: Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.

Paerdegat Basin CSO

The Paerdegat Basin CSO Retention Facility is located in southeastern Brooklyn, at the intersection of Flatlands and Ralph Avenues. The facility will receive combined sewer overflows from outfalls CI-004, CI-005, and CI-006, a drainage area of approximately 6,000 acres in the Coney Island WPCP service area. Once constructed, the facility will consist of a four (4) bay underground storage tank and operations buildings. The stored CSO will be pumped back to the Coney Island WPCP for treatment after each rain event. This section reports on the progress of Phase IA – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Structures and Equipment.

Phase IA includes construction of a major portion of the influent channels and the relief weir. Phase II includes construction of the CSO tank and building foundations and dredging of the basin. Phase III entails construction of the aboveground structures including Pump Back Building, Odor Control Building, Screening Building and Collection Facilities Building; also completion of the influent channels and reconstruction of the outfalls, installation of all mechanical equipment and start-up of the CSO facility.

Work Performed During This Quarter

Planning

- ◆ Submitted to DEC and EFC the Paerdegat Basin Drainage Specific LTCP report in November 2005, in compliance with the milestone date in the CSO Consent Order. Transmitted a response to DEC comments and revised LTCP on June 30, 2006.
- ◆ DEC approved the Paerdegat Basin LTCP in a letter dated February 1, 2007.
- ◆ The Joint Application Permit to allow for dredging of CSO sediments at the head-end of Paerdegat Basin and to improve the navigational channel at the mouth of the basin was submitted in the 4th Quarter of 2008 in accordance with the approved LTCP. **DEC Region 2 noticed the completed application in the February 17, 2010 Environmental Notice Bulletin (ENB). The public comment period closed on March 4, 2010, and DEC issued a permit on March 19, 2010.**
- ◆ An update to the Form 2A SPDES Application has been scheduled. DEP submitted the Form 2A Application in April 2002 and received comments from DEC in October 2008. The form was updated and resubmitted at the end of October 2008. Based on discussions between DEP and DEC, a final version of the form must be submitted six months prior to the facility coming online.

Design

- Phase I A – Influent Channels
 - ◆ 100% complete
- Phase II – Foundations and Substructures
 - ◆ Underground CSO Tank design 100% complete.

- Phase III – Superstructures and Equipment
 - ◆ Construction of the facility buildings (Pump Back, Odor Control, Screenings Building and Collection Facilities South headquarters) design 100% complete.

Construction

- Phase I A – Influent Channels
 - ◆ Construction completed in 2002.
- Phase II – Foundations and Substructures
 - ◆ Construction work had ceased at approximately 97% complete due to the default of the contractor on December 6, 2007 by the Department pursuant to Articles 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract. **Construction of 4B items critical to operation of the Paerdegat Basin CSO Facility was certified as 100% complete on January 5, 2010. DEC performed the post-construction inspection on March 23, 2010.**
 - ◆ **The Surety's completing contractors completed dredging the area in front of the CSO tanks and received confirmation on quantities of dredge material disposed of for notification of the USACE and the DEC. The completing contractors also completed injection of expandable grout and final leak testing of the CSO Tanks in January 2010.**
 - ◆ **The Surety's abandoned the project on January 26, 2010, and ceased performing all punchlist work. The DEP and Surety negotiated a global settlement which was signed in March 2010. The Surety returned to work coordinating all remaining punch list work activities to avoid conflicts and delays to the CSO-5 contract completion.**
- Phase III - Superstructures and Equipment
 - ◆ Construction work has continued and is approximately **85 percent** complete. **The percentage of completion is greatly affected by \$5.3 million dollars in pending change orders. The CSO-5 contractors are proceeding at their own risk on unregistered change orders which is not reflected in the percentage of work completed.**
 - ◆ **The 5G Contractor has:**
 - continued installation of the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the Pump Back Building (PBB);
 - **continued installation and testing of the sluice and slide gates in the Screenings building;**
 - continued installation of the ornamental fences and gates around the perimeter of the property;

- continued installation of panels and local control panels for various pieces of mechanical equipment including the Odor Control Vessel Exhaust stacks and exhaust fans;
 - **continued installation of the Vehicle Fueling station island, pumps and fire suppression system;**
 - **continued construction of the Bergen Avenue roadway and sidewalk;**
 - **continued disposal of contaminated soil from Area 3 of the Shoreline and Bergen Avenue roadway;**
 - **completed disposal of contaminated soil from the excavation of the 5-Barrel Influent Channel and the New Influent Channels;**
 - **begun installation of Odor Control Vessel stacks and silencers;**
 - **resumed construction of the 5-Barrel Influent Channel and outfall structure utilizing the new MOPO; and**
 - continued the mandated monitoring program for wetland plants on the north and south sides of the basin.
- ◆ **The 5E Contractor has:**
- continued installing conduit and supports for the Vehicle Fueling Station;
 - **continued pulling cable and wire to various pieces of equipment in the PBB, OCB and SB;**
 - continued terminating conductors for power, control and fire alarm in the PBB, OCB and SB;
 - continued installation of duct banks on the west side of the Pump Back Building, Odor Control Building and Screenings Building;
 - continued pulling and terminating wires to sensors and devices throughout the Process Buildings and CSO tanks;
 - **continued installation of conduits, duct banks and manholes for level sensors and samplers at the 5-barrel Influent Channel and Outfall.**
- ◆ **The 5H Contractor has:**
- continued installation of stainless steel ductwork, plenums and seismic hangers in the process buildings;
 - continued pulling and terminating control wiring in the PBB, OCB and SB;
 - **continued troubleshooting boiler in preparation for the follow-up inspection by DEP Bureau of Environmental Compliance; and**
 - **begun preparation work for modified ductwork installation in the CSO Tanks.**

- ◆ The 5P Contractor continued performing remedial work in the CFS Building and installation of pipe penetrations through the roof of the PBB, OCB and SB.

Missed/Modified Milestones

- ◆ DEP submitted a Request for Modification of a Minor Milestone associated with the Paerdegat Basin Foundations and Substructures Construction Completion to DEC on December 29, 2008. The basis for this request stems from delays associated with the default of the Foundations and Substructures contractor on December 6, 2007.
- ◆ DEC issued an NOV on March 29, 2009 in connection with the above Minor Milestone. In the course of negotiations, DEP provided CPM schedules to DEC as requested. On December 4, 2009, DEC granted a modification to December 31, 2009 to complete the dredging, tank test leaking and necessary tank waterproofing. **Tank leakage testing began in December 2009 and Contract 4B was certified complete on January 5, 2010.**

Anticipated Activities for Next Quarter

Construction

- Phase II - Foundations and Substructures
 - ◆ **The completing contractor will:**
 - **Complete testing of the slide gates in the Screenings Building;**
 - **Complete rubbing and patching of CSO Tank walls;**
 - **Complete grout injection of any trouble areas as necessary; and**
 - **Complete all remaining punch list work activities.**
 - ◆ DEP will submit a milestone certification letter for Construction Completion.
- Phase III - Superstructures and Equipment
 - ◆ Work will continue on the construction in order to meet the modified milestone date for Construction Completion Date of May 2011.
 - ◆ **The 5G Contractor will continue punch list work in the CFS Building. Contractor will also:**
 - Complete test of the flushing gates and associated hydraulic piping and panels in the CSO Tanks;
 - Complete installation of the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the PBB;
 - Continue installation of odor control system including exhaust fans, valves, dampers, stacks and silencers in the OCB;

- Complete testing of the 42-inch CSO force main, 12-inch grit piping and associated valves in the PBB; complete installation of the 10-foot ornamental picket fence and motorized gates around the project site and begin installation of associated security system;
- Complete installation of concrete topping on the ground floors of the PBB, OCB and SB;
- Continue phased demolition of the existing 5-barrel effluent channel and begin diversionary connection to the new 5-barrel influent channel following the revised MOPO under CO 5G-50;
- Begin installation of new equipment in the Existing Pump Station while maintaining operation of the existing facility;
- Begin installation of structural steel for 5H exhaust fans EF-7304 and EF-7305 in the SB;
- Begin training DEP personnel on various pieces of equipment throughout the CSO Facility.

◆ **The 5E Contractor will:**

- Complete punch list work in the CFS Building and begin training of DEP personnel on equipment in the CFS Building;
- Complete installation of the emergency generator and request inspection of the same;
- Complete installation of RGS conduit and conduit racks for lighting and fire alarms in the PBB, **and request inspection of the same;**
- **Continue installation of RGS conduit and conduit racks for lighting and fire alarms in the OCB and SB;**
- **Complete installation of RGS conduit and conduit racks for the CSO Pump Back Pumps, Grit Pumps and Sump Pumps in the PBB;**
- Complete punchlist work in the CB Building;
- Continue testing and terminating cable and wire for site lighting on the north of the CSO Tanks and west of the process buildings;
- Continue installing ductbanks for site lighting and security on the west side of the process buildings;
- **Continue ductbank installation for level sensors and samplers at the 5-Barrel Influent Channel and Outfall structure;**
- Continue pulling, testing and terminating cable and wire to local control panels for various pieces of equipment in the PBB, OCB and SB;
- Continue installation of security system components throughout the property;
- Begin pulling cable and wire to various systems in the Existing Pump Station;

- Begin requesting inspections by the FDNY and NYCDOB Bureau of Electrical Controls.

◆ **The 5H Contractor will:**

- Complete punchlist work in the CFS Building;
- Complete installation of stainless steel ductwork in the PBB, OCB, SB and CSO tanks;
- Complete field testing of the permanent hot water boilers;
- Complete installation of seismic restraints and insulation for various types of piping and ductwork in the PBB, OCB and SB;
- Complete testing of refrigerant piping in the PBB and OCB;
- **Complete** installation of exhaust fans EF-7304 and EF-7305 in the SB;
- **Continue** training DEP personnel on various pieces of equipment and systems.

◆ **The 5P Contractor will:**

- Complete remedial work in the CFS Building;
- Complete installation of vent piping in the PBB, OCB and SB;
- Begin training DEP personnel on various pieces of equipment.

■ **Paerdegat Basin Environmental Dredging**

- ◆ **DEC will formally establish milestones for Final Design and Construction Completion based on the date of issuance of the joint DEC/USACE permit issuance. DEC's permit was issued March 19, 2010; the USACE permit was not received as of the end of the first quarter of 2010.**

Table 9 – Paerdegat Basin CSO Projects

	<i>Phase IA</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Dredging</i>
Construction Phase:	Influent Channels	Foundations and Substructures	Structures and Equipment	Environmental Restoration
Location:	Flatlands and Ralph Avenues, Brooklyn, NY	West Shore of Paerdegat Basin	West Shore of Paerdegat Basin	Head end of Paerdegat Basin
Actions:	Construction of the influent channels to the CSO facility	Underground structural elements	Aboveground buildings and equipment	Dredge bottom sediments to finish depth of 3 ft below MLLW
Cost:	\$9,000,000	\$ 124,702,795	\$ 192,663,000	TBD
Status:	Construction completed.	Construction 100% complete.	NTP issued on 9/26/05. Construction 85% complete.	DEC Permit issued 3/19/10
Other Issues:	-	<p>The Contractor was held in default in December 2007. The Surety has since submitted three completion contractors for different work. All completing contractors have begun working and one, has completed their work.</p> <p>A change order was initiated and negotiated to remove a sand bar which was a navigational hazard delaying the remaining dredging work. The removal of this sand bar was completed in October 2009.</p> <p>The Surety abandoned the site on January 26, 2010 over various disputes. The DEP negotiated a global settlement which was finalized in March 2010. The Surety then returned to the project and began coordinating and completing all remaining punch list work.</p>	<p>After activation of the first two channels of the 5-Barrel a tidal event occurred flooding the system. Change Order 5G-50 was initiated and negotiated to modify the MOPO so as to allow work to continue. Change Order 5G-50 is proceeding towards registration.</p>	USACE permit not yet issued.

3.4. Flushing Bay CSO

Flushing Bay CSO Retention Facility

The Flushing Bay CSO Retention Facility is an underground storage tank, which has a storage capacity of 43 million gallons, 28 MG in the tank and 15 MG in the upstream sewers. The project was constructed in phases to provide abatement in the Tallman Island WPCP drainage area at CSO Outfall TI-010 which discharges to the head of Flushing Creek. The elements of the facility include:

- ◆ Relocation of ball fields in Kissena Corridor
- ◆ Rerouting of Park Drive East CSO line inside the construction site and construction of the effluent channel
- ◆ Phase 1 construction of the underground structural elements of the tank
- ◆ Phase 2 construction of the mechanical and above-ground portion of the facility
- ◆ Construction of tide gates on the tank outfall sewer and construction of two (2) soccer fields

A written Notice of a Force Majeure Event was submitted to DEC on September 24, 2004. This event affected compliance with the Construction Completion milestone date of December 2004 for the Flushing Bay CS4-4 (Mechanical Structures) in the Order.

On September 8, 2004, rainfall at LaGuardia Airport was recorded by the National Weather Service at three inches in a three hour time period. This torrential rain event caused flooding in the basement of the Flushing Bay facility due to a breach in a temporary construction bulkhead in the influent sewer line to the facility. Water levels reached seven to eight feet above the basement floor at the CSO facility which caused damage to various mechanical, HVAC and electrical equipment.

DEC requested that DEP provide additional information in a formal report concerning the force majeure event and resultant impact upon the facility and construction status. DEP submitted such report on April 1, 2005.

DEP submitted a Construction Completion certification letter to DEC on May 31, 2007 for the CSO Retention Facility. The DEC issued a Notice of Violation (NOV) on July 15, 2008 for failure to meet the conditions of the Construction Completion Milestone for CS4-4 (V.F.4 of the CSO Consent Order). This NOV was resolved and a construction completion date of September 2009 was included in the 2009 Modification to Order on Consent (DEC Case # CO2-20090318030).

Tallman Island Wet Weather Maximization

The 2008 Modification to Order on Consent included a date modification for the Flushing Bay CS4-4 milestone, as well as the addition of item V.J. "Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event." The project was transferred from the 1999

Omnibus IV Consent Order to the CSO Consent Order and includes a new interceptor to parallel the Main Interceptor; a new Throttling Facility at the Tallman Island WPCP and Regulator improvements at 10, 10A, 10B and 13.

Work Performed During This Quarter

Design

- Tallman Island Wet Weather Maximization
 - ◆ **Finalized responses to the Value Engineering (VE) Report issued by the NYC Office of Management and Budget (OMB).**
 - ◆ **Received review comments from the NYCDPR regarding the park restoration plans included within the 30% complete design submittal.**
 - ◆ **Based upon the results of the 30% complete review comments and workshops, work was initiated on drafting a letter to NYSDEC to document the final project components and any deviations from the 2005 Facility Plan.**
 - ◆ **Continued preparation of the 60% complete design submittal, including drawings and specifications.**
 - ◆ **Performed updated topographical survey of the TI-3 contractor's staging area, as well as the areas around the TIWPCP that will be affected by construction of the new interceptor.**
 - ◆ **Closed out the NYSDEC permit associated with drilling geotechnical and environmental borings within Powells Cove Park.**
 - ◆ **Initiated work on the Joint Application for Permit and supporting documentation.**
 - ◆ **Coordinated with NYCDOT regarding detour plans outlined in the 30% complete design submittal. Received NYCDOT approval for planned closure of 11th Avenue.**
 - ◆ **Continued coordination with NYCDPR regarding property encroachments along the proposed route of the new Whitestone Interceptor.**
 - ◆ **Performed physical survey of the NYCDPR property line, indicating the extent of each encroachment along the selected alignment.**
 - ◆ **Continued preparation of Draft #2 of the EAS.**
 - ◆ **Held pre-proposal presentation & site visit for prospective bidders for the Construction Management services associated with Contract TI-WW1.**

Construction

- Flushing Bay CSO Retention Facility
 - ◆ **During the January 2010 technical meeting, DEP presented an overview of the operation of the Flushing Bay CSO facility and described a way by which the overflow measurement methods could be field calibrated.**

- ◆ **DEP submitted revised flow metering methodology on March 5, 2010 in response to comments received from DEC. Included in this submittal was a description of the installation of meters in the effluent channel of the facility and the use of storm events to confirm that the measurement system is accurate. DEP continues to address comments received from DEC about this submittal. However, the temporary meters were installed in March, and have collected data for two substantial storm events.**

Anticipated Activities for Next Quarter

Design

- Tallman Island Wet Weather Maximization
 - ◆ **Prepare for and attend the VE Reconciliation Meeting with NYCOMB.**
 - ◆ **Submit letter to NYSDEC documenting the final project components and any deviations from the 2005 Facility Plan.**
 - ◆ **Submit the 60% complete design package.**
 - ◆ **Initiate work associated with the 90% complete design package.**
 - ◆ **Continue work on project permitting, most notably the applicable NYCDPR permits and the NYSDEC/USACE Joint Application Permit.**
 - ◆ Submit Draft #2 of the EAS to NYCDEP - BEPA.
 - ◆ Continue addressing legal issues with property encroachment along proposed Whitestone alignment.

Construction

- Flushing Bay CSO Retention Facility
 - ◆ Contractor to continue punchlist activities.

Table 10 – Flushing Bay CSO Projects

	Flushing Bay CSO Tank	TI Wet Weather Maximization
Plan Elements:	Flushing Bay CSO Retention Facility	Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event
Location:	Intersection of College Point Boulevard and Avery Avenue, Queens	New section of the Whitestone Interceptor from the existing Junction Chamber at the intersection of 11 th Avenue and 130 th Street to the WPCP; Throttling Facility at WPCP headworks, College Point, Queens Regulators 10, 10A, 10B and 13
Actions:	Design and construction of a 43 MG storage facility, which includes a 28 MG, underground storage tank and 15 MG in-line storage in upstream sewers. The facility collects flow from the system tributary to the TI-010 outfall.	Design and construction of a new interceptor; a new throttling facility at the Tallman Island WPCP and improvements to regulators 10, 10A, 10B, and 13
Cost:	\$291,000,000	\$39,500,000
Status:	Construction Completion certified on 5/31/07; DEC issued NOV 7/15/2008; Consent Order Modification 9/3/09 established new Construction Completion date of September 2009. Flow metering methodology currently in validation process.	Design 45% complete
Other Issues:	2009 Consent Order Modification included required corrective actions at the Flushing Bay CSO Retention Facility	

3.5. Jamaica Tributaries CSO

The Jamaica Tributaries project area includes the Jamaica WPCP sewer shed area and the tributaries, which receive the wet weather discharges from the drainage area. These tributaries include Bergen, Thurston, Shellbank, and Hawtree Basins, which are located in the northeast portion of Jamaica Bay. There are several recommendations that are being advanced in this facility plan which include:

- ◆ Meadowmere & Warnerville DWO Abatement – Construction of a new pumping station, force main, and sanitary sewer collection system in southeast Queens, NY, to convey flows from the communities of Meadowmere and Warnerville into the Jamaica drainage area collection system, for treatment at the Jamaica WPCP. This project will eliminate the dry weather discharge that is currently occurring in these two communities, which are not connected to NYC’s collection system.
- ◆ Expansion of Wet Weather Capacity of Jamaica WPCP – An additional 50 MGD of wet weather flow will be treated at the Jamaica WPCP to reduce the CSO discharges to Bergen Basin. Recent analyses indicate that this element has limited water quality benefits. Alternative actions have been analyzed and included in the Waterbody/Watershed plan that was submitted to DEC in June 2007.
- ◆ Destratification Facility – Installation of a permanent diffused-air bubble mixing system at Shellbank Basin. The system is designed to eliminate temperature stratification during the summer season, which leads to poor water quality conditions in the basin, odors and marine life kills. This element currently has an operating pilot facility, which has produced positive water and air quality results for the past 9 summer seasons.
- ◆ Laurelton and Springfield Blvd. Drainage Plan – A drainage plan for 7,000 acres in southeast Queens is being developed to address flooding and to construct high-level storm sewers in a 1,450 acre CSO drainage area tributary to Thurston Basin. The drainage plan identifies the necessary capital sewer projects to alleviate flooding and convert the aforementioned CSO area to a high-level storm sewer system.
- ◆ Regulator Automation – Automation of key regulators was recommended in response to the 1988 State Pollution Discharge Elimination System (SPDES) permit requirements that called for telemetry in the regulators to detect dry weather overflows. It was recommended at those regulators contributing the largest flows to the treatment plants, specifically Regulators 2, 3, and 14 in the Jamaica WPCP drainage area. The Citywide Collection Facilities Supervisory Control and Data Acquisition (SCADA) System Project will automate key regulators in the City by installing electro-hydraulic actuators capable of controlling flows to the sewer interceptor.

Work Performed During This Quarter

Planning

- Drainage Plan

Design

- Destratification Facility
 - ◆ **Bids for the general contract (CSO-JT-DF-G) and the electrical contract (CSO-JT-DF-E) were opened on February 4, 2010. Eight bids were received for both contracts. A bid analysis was performed for both contracts and a recommendation to award the G contract to the low bidder, Primer Construction Corp at \$2,368,000, was made. The low electrical contract bidder rescinded its bid.**
 - ◆ **The DEP has commenced with the contract award process with the low G contractor. A pre-award EHS with the DEP and Primer Construction Corp was held on March 3, 2010.**
 - ◆ **The E contract was advertised for rebid on March 22, 2010. Bids are scheduled to be opened on April 7, 2010.**
 - ◆ **Comments from DOB on the building permit application were received on January 20, 2010. Submissions necessary to address these comments were made on multiple occasions, the latest being March 30, 2010. An extension to the Design Commission approval was granted on March 24, 2010.**
- Expansion of Wet Weather Capacity of the Jamaica WPCP
 - ◆ DEP submitted a revised Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP to DEC on November 14, 2008. The basis of the original Request for Modification was the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, DEC requested that the schedule in the original Request for Modification be revised to achieve construction completion in a similar time frame as the currently mandated projects and include a period to conduct field flow measurements. To date, no written response to the November 14, 2008 submittal has been received. The DEP and DEC have continued discussing this proposed modification and last discussions took place during the December 10, 2009 CSO technical meeting.

Construction

- Regulator Automation
 - ◆ **Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.**
- Meadowmere/Warnerville
 - ◆ **The G contractor continued the ongoing miscellaneous change order work (CO G-13, associated with EH&S items).**

- ◆ **No Monthly Construction I&T meetings were held during this quarter.**
- ◆ **The CM and Design Engineer continued final permitting activities regarding DOB TR-1 signoffs, controlled inspections, Certificate of Occupancy and Builder's Pavement Plan.**

Anticipated Activities for Next Quarter

Design

- **Destratification Facility**
 - ◆ **DEP to award contract to G low bid contractor.**
 - ◆ **H&S to perform bid analysis on E contract after bids are opened.**
 - ◆ **Meet with Permit Resource Division and submit regulatory transition plan.**
- **Expansion of Wet Weather Capacity of Jamaica WPCP**
 - ◆ **DEP will resubmit a Modification Request to replace the wet weather capacity expansion at the Jamaica WPCP with certain collection system improvements**

Construction

- **Regulator Automation**
 - ◆ **Submit Modification Request for Construction Completion Milestone.**
 - ◆ Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and commencing start up **and cut-over** services.
- **Meadowmere/Warnerville**
 - ◆ G and E contractors to: complete punchlist items and remaining change order work; continue with training and O&M activities.
 - ◆ Continue permitting activities and filing with DOB on various requirements.
 - ◆ Begin training tasks for DEP operations personnel.

Table 11 – Jamaica Tributaries CSO Projects

Plan Elements:	Meadowmere & Warnerville DWO Abatement	Expansion of Wet Weather Capacity of Jamaica WPCP	Destratification	Laurelton and Springfield Blvd. Drainage Plan	Regulator Automation
Location:	Meadowmere and Warnerville – Queens, New York	Bergen Basin	Shellbank Basin	Jamaica WPCP Drainage Area	Regulators 2,3 and 14
Actions:	Construction of a Pumping Station, Sewer Collection System, and Dual Force Main	Provide an additional 50 mgd of wet weather capacity at the Jamaica WPCP.	Conduct Demonstration Construct Permanent Facility	Develop drainage plan for storm sewer build out	Provide automated regulators
Construction Cost:	\$37,637,569	\$120 million	\$2,700,000	To be determined	Note 1
Status:	Construction 99% complete. DSDC activities continued. Construction Completion Milestone met.	Recent analyses indicate that this element has limited water quality benefits. A Modification Request was submitted to allow for sewer system modifications as well as post construction flow monitoring to quantify maximum flows to the treatment facility	Contract for G and E to be awarded to low bidders. Awaiting review comments for building permit approval.	Drainage planning complete.	Note 1

Note 1: Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.

3.6. Coney Island Creek CSO

The recommended plan for the Coney Island Creek CSO Facility Planning Project is to increase the wet weather pumping capacity of the Avenue V Pumping Station. The Avenue V Pumping Station tributary area encompasses 2,900 acres, of which 2,056 acres are separately sewered and 844 acres have combined sewers. The Avenue V Pumping Station capacity will be increased to capture 85 percent, by volume, of the current CSO discharge from outfall OH-021 to Coney Island Creek. The capacity of the pumping station will be increased from approximately 30 MGD to 80 MGD in two construction contracts, a pumping station upgrade phase and a force main construction phase.

Work Performed During This Quarter

Design

- Avenue V Pumping Station Upgrade
 - ◆ DSDC activities continued, including:
 - Shop drawing review
 - Coordination drawing review
 - Change Order preparation
 - Main Building structural inspection.
 - Architectural Terra Cotta inspection.
- New Force Mains
 - ◆ DSDC activities continued, including:
 - SPDES preparation
 - LI Well permit preparation
 - Shop drawing review
 - Change Order preparation

Construction

- Avenue V Pumping Station Upgrade
 - ◆ Work during the quarter included:
 - Operation and maintenance of the Temporary Pumping System.
 - Operation and maintenance of Dewatering System.
 - **Decommissioned Deep Well #5.**
 - **Completed installation of scaffolding and demolished existing roof of the main building.**

- **Completed the repair of main building roof steel.**
- **Placed concrete for the sections of the main building roof ring beam and southwest shear wall inside Main Building.**
- **Received a delivery of steel beams sections for bridge crane installation.**
- **Completed the demolition of existing wet well.**
- **Completed the Remediation of hazardous material.**
- **Completed Main Building foundation void remediation work.**
- **Completed Construction of Main Building concrete columns and shear walls and existing chimney support.**
- **Completed the installation of flue liner inside Main Building**
- **Continued Concrete meter vaults.**
- **Miscellaneous installations for temporary construction power.**
- **Continued roof drain downspout piping.**
- **Continued the removal of excessive soil from pump Station.**
- **Avenue V Pumping Station Force Mains Upgrade**
 - ◆ **Construction activities during this quarter included:**
 - **Final Leakage Tests**
 - **42" – The first of three final leakage tests were completed on the first 9,263 LF (59.6%) of the force main from Manhole No. 18 to 20th Avenue.**
 - **48" - The first of three (3) final leakage tests were completed on the first 3,545 LF (39.6%) of the force main from Bay 16th/Bath Avenue to 20th Avenue.**
 - **The Contractor is setting up for the next set of Final Leakage Tests from 20th Avenue to Pit N at Bay 40th St./Cropsey Avenue. This covers a distance of approximately 4,030 LF.**
 - **Open Cut Pipe installation (Approximately 85% complete)**
 - **This period the Contractor installed approximately 1,000 LF of 42" FM and 900 LF of 48" FM. The majority of this FM was installed in the streets at 27th Ave from Cropsey Ave. to Stillwell Ave. Force main connections were also completed along the Belt Parkway and repairs were made at fittings as necessary.**
 - **42" Total: 13,565 out of 15,530 LF**
 - **48" Total: 7,198 out of 8,943 LF**
 - **Jacked casing pipe installation (100% Complete)**

- **66" casing pipe with 42" DIP carrier pipe – Total: 1373 LF.**
- **66" casing with 48" DIP carrier pipe – Total: 540 LF.**
- **Microtunneling pipe installation (100% Complete)**
 - **60" casing pipe with 48" HOBAS carrier pipe. – Total: 3,040 LF**
 - **60" casing pipe with 42" HOBAS carrier pipe. – Total: 1,690 LF**
 - **This period: Cropsey Ave. – Carrier pipe, annular grout and leakage tests from jacking pit O to receiving pits N and P.**
- **Change Order Work: Installation of air valve access manholes and blowoff valves.**
- **Preliminary Leakage tests at previously installed force main.**
- **Dewatering as required as per NYSDEC permits.**
- **Prepare for Spring landscape restoration along Belt Parkway.**

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- DSDC Activities

Construction

- Avenue V Pumping Station Upgrade
 - ◆ Operation and maintenance of temporary pumping system.
 - ◆ Operation and maintenance of dewatering system.
 - ◆ **Commence construction of new wet well.**
 - ◆ **Commence installation of generator and network protection structure mini-piles.**
 - ◆ **Continue installation of concrete ring beam columns.**
 - ◆ **Continue installation of concrete meter vaults.**
 - ◆ **Commence installation of new concrete roof.**
 - ◆ **Commence reconstruction/repair of structural components inside Main Building /mechanical equipment room.**
 - ◆ **Continue installation of plumbing drain lines inside Main Building.**
 - ◆ Continue installation of electrical conduit and concrete duct banks.

- ◆ General site maintenance.

- New Force Mains
 - ◆ Continue open cut single pipe installation (42" DIP) in the vicinity of 20th Avenue outfalls.
 - ◆ Installation and maintenance of wells for dewatering as per NYSDEC permits.
 - ◆ Commence Tree remediation activities.
 - ◆ Commence Spring landscape restoration and tree planting. (Verrazano Bridge to Bay 40th Street)
 - ◆ Open Cut force main installation (42"/48" DIP) on 27th Avenue from Bath Avenue to Stillwell Avenue and the Bath Avenue intersection.
 - ◆ Start open cut force main installation (42"/48" DIP) at the Stillwell Avenue intersection. Supervision to be provided by NYCT for elevated subway.
 - ◆ Start open cut force main installation at Avenue V.
 - ◆ Continue installation and removal of steel sheeting as necessary.
 - ◆ Leakage tests for installed pipe.
 - ◆ Clean and inspect SE-133.
 - ◆ Bay 16th Street-Complete restoration of Shore Parkway, Pit Y & Cropsey Avenue.
 - ◆ Start construction of 48" discharge chamber at Bay 16th Street & Bath Avenue.
 - ◆ Continue installation of air valves and access manholes (Change Order No. 1).

Table 12 – Coney Island Creek CSO Projects

	<i>Contracts</i> <i>PS-79G, H, P, E</i>	<i>Contract</i> <i>PS-79F</i>
Plan Elements:	Upgrade Avenue V Pumping Station	New Force Mains
Location:	Avenue V PS (Avenue V and West 11th Street)	42-inch to SE-133 (Shore Pkwy. Vic. Verrazano Bridge); 48-inch to vic. Reg. 9A
Actions:	Comprehensive upgrade to automate and increase station capacity to 80 mgd; Lower Wet Well operating level to reduce sewer surcharges; Network Protector Structure to reliably transform utility power; Generator system to improve station reliability; Architectural restoration of Main Building to 1915 appearance	New force mains to convey DWF and WWF
Cost:	\$73,491,982	\$110,180,513
Status:	Notice to Proceed issued on 12/16/05. Construction is 53% complete.	Notice to Proceed issued on 7/23/07. Construction is 85% complete.

3.7. Newtown Creek CSO

The Newtown Creek CSO Facility Planning area consists of the areas in Brooklyn and Queens from which wet weather runoff drains to the Newtown Creek waterbody and its branches: English Kills, Dutch Kills, Whale Creek, Maspeth Creek and the East Branch. For this CSO planning area, the Waterbody/Watershed Facility Plan, still under review by the DEC, proposes some modifications to the consent order milestones that will ultimately achieve better CSO capture and result in improved water quality, as permitted in the Order in Section III, Paragraph A, Section 3.

This section reports on the progress of facility planning and design of the existing CSO plan, subject to modifications by the Waterbody/Watershed Facility Plan, and includes 1) maximizing flow through the Morgan Avenue Interceptor, 2) the construction of in-stream aeration facilities (Zone I & II) and 3) the construction of an off-line storage tank.

Maximizing flow through the Morgan Avenue Interceptor will include raising the overflow weir in Regulator B1; increasing the sluice gate openings to the interceptor; providing a relief sewer from the St. Nicholas weir to Regulator B1; and providing a throttling gate on the Kent Avenue Interceptor. The Aeration Facilities (Zone I) includes construction of a landside compressor station and installation of an air header in the creek bottom of the Upper English Kills. Based upon the performance evaluation of the Zone I aeration testing, Zone II aeration may be implemented to expand in-stream aeration to include the Lower English Kills, the East Branch and Dutch Kills. The off-line storage facility will control CSO discharge to the English Kills and will include a 9 million gallon tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.

Subsequent to the Newtown Creek WB/WS Facility Plan submittal of June 2007, the DEP analyzed additional alternatives to reduce CSOs to Newtown Creek and the East River, including control measures beyond those listed in the 2007 Plan. Based on these analyses and on ongoing discussions between DEP and DEC, DEP proposed to modify the mandated elements currently in the CSO Consent Order constructing a much larger relief sewer in the Newtown Creek drainage area, bending weirs at targeted regulators, and additional floatables controls at targeted regulators and outfalls. In addition, the goals of the Zone II Aeration project have been realigned towards higher dissolved oxygen levels. The projects included in the Modification Request are expected to contribute to improved water quality in a cost-effective manner.

The Modification Request was submitted by DEP to DEC in April 30, 2009. DEC granted a 60-day milestone extensions to August 31, 2009 for items VIII.E.2 and VIII.F.3 on June 24, 2009, **and further extended the milestone dates to October 31, 2009 on August 27, 2009.** DEP responded to these, and on October 30, 2009 requested an additional extension of time **for items VIII.E.2 and VIII.F.3** to February 1, 2010, at which time DEP committed to submitting reports related to the Zone I Aeration data collection and analysis.

Work Performed During This Quarter

Planning

- Off-line Storage Tank
 - ◆ No actions to report this quarter.

Design

- Maximize Flow to Morgan Ave. Interceptor
 - ◆ **Kent Avenue Throttling Facility design has been completed. Construction of this facility is included in the Newtown Creek WPCP Upgrade-Contract NC-36. No actions to report this quarter.**
- Phase 1 Aeration Facility
 - ◆ DEP submitted a Certification of Construction Completion letter to DEC for the Zone 1 Aeration work on December 31, 2008, in compliance with the Consent Order milestone. The DEC granted a Certification of Construction Completion on February 25, 2009. Start-up of the Aeration Facility occurred briefly on June 25, 2009 and was re-started on July 7, 2009, running through September 2009. Sampling for the First Year Post-Operational Habitat Monitoring was performed.
- Phase 2 Aeration Facilities
 - ◆ Preliminary design continues on adding a third blower to Phase I Aeration Facilities that will be used to supply air to the Lower English Kills.
 - ◆ Site investigations continue to locate suitable locations for a possible aeration facility for the Newtown Creek.
 - ◆ Aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system that is being installed in Phase I are being investigated.
 - ◆ Reports were prepared and reviewed recommending properties to locate Aeration Facilities along the East Branch and Dutch Kills waterbodies.
 - ◆ Preliminary design on Aeration Facilities for the East Branch and Dutch Kills waterbodies has begun and is evaluating the viability of targeting a dissolved oxygen concentration of 3 mg/L, as specified in the WWFP.
 - ◆ The 60% design completion Contract Drawings and Specifications for the addition of a third blower to the Phase I Aeration Facilities and associated aeration system for the lower English Kills was started.
 - ◆ The DEP has started discussions with the New York City Economic Development Corporation on the use of an empty property located at 58-26 47th Street, Queens to locate an aeration facility for the Upper Newtown Creek and East Branch.
 - ◆ **A draft EAS has been developed and the joint wetlands permit application related to the diffuser lines is under development.**

Construction

- Phase 1 Aeration Facilities
 - The overall construction of the Phase I Aeration Facilities was 100 percent complete **as of December 31, 2008.**
- Maximize Flow to Morgan Ave. Interceptor
 - ◆ DEP certified that the Notice to Proceed to Construction for the Kent Avenue Throttling Facility had occurred prior to the June 2009 milestone in a letter dated September 29, 2009. The construction is occurring under Newtown Creek WPCP contract NC-36.
 - ◆ **Work continued on the Throttling Gate.**
 - ◆ **DEC has called to schedule an inspection.**

Missed/Modified Milestones

- ◆ There are no missed milestones but the DEP will seek to modify the existing consent order to eliminate certain elements and replace with more cost effective elements that achieve similar or greater water quality benefits such as targeting a DO of 3 mg/l for both Zone 1 and Zone 2 as opposed to the 1 mg/L currently required in the Consent Order. DEP submitted a Modification Request addressing these changes on April 30, 2009.
- ◆ **DEP submitted a revised Modification Request to DEC on March 31, 2010 for multiple Milestones under Newtown Creek CSO. The request was originally scheduled to be submitted at the end of January 2010, but DEP had requested an extension to March 31, 2010 that DEC acknowledged and accepted. Biological and water quality data reports related to Aeration Zone I were provided to DEC on February 1, 2010 in support of this request.**

Anticipated Activities for Next Quarter

Design

- Maximize Flow to Morgan Ave. Interceptor
 - Continue design of the Regulator B-1 Modifications.
 - Continue design of St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- Phase 1 Aeration Facility
 - Conclude 2009 season start-up, performance sampling in accordance with the FSAP and prepare first year post-operational habitat monitoring report.
- Phase 2 Aeration Facilities
 - Investigate properties that may be used for the East Branch and the northern portion of Newtown Creek and Dutch Kills and the lower southern portion of Newtown Creek; this will decrease the amount of property that be required.

- Continue evaluation of alternative properties identified for require blower buildings.
- Continue working on obtaining properties along the East Branch and Dutch Kills for the construction of Aeration Systems for the corresponding waterbodies.
- Continue design of Aeration Systems for the East Branch and Dutch Kills waterbodies.
- Continue design on third blower installation in the Phase I Aeration Facility building for the Lower English Kills.
- Evaluate aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system installed in Phase I.
- Begin preparation of Damage and Acquisition Maps for proposed aeration facility locations along the Dutch Kills and East Branch.
- Finish the 60 percent design completion of the third blower installation in the Phase I Aeration Facility building for the Lower English Kills.

Construction

- Phase 1 Aeration Facility
 - Turn over Facility to Bureau of Water Treatment

Table 13 – Newtown Creek CSO Projects

	<i>Maximize flow through Morgan Ave. Interceptor</i>	<i>Throttling Facility</i>	<i>Phase 1 - Aeration Facilities</i>	<i>Phase 2 - Aeration Facilities</i>	<i>Off-line Storage Tank</i>
Location:	Regulator B1 and WPCP throttling chamber	Kent Avenue Interceptor upstream from Morgan Avenue Interceptor	Head end of English Kills, south of Grand Street	Dutch Kills and East Branch	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in R-B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to R-B1	Continued Construction	Provide aeration to raise DO to a goal of 3.0 mg/l ; includes landside compressor station, air header, and diffuser assembly.	Provide aeration to raise DO to a goal of 3.0 mg/l; includes landside compressor station, air header, and diffuser assembly.	Design facility, including tank, pumping station, and gravity drain for treatment at the Newtown Creek WPCP.
Cost:	\$10,000,000	\$1,000,000	\$65,000,000 (Total for both)		TBD
Status:	Facility plan elements for modifications to regulator and routing of the relief sewer have been completed. A Revised Final Facility Plan Report was submitted to the DEC. Regulator B1 Modifications are being performed under a Task Order Contract.	Construction 40% Complete	Construction 100% complete: DEP certified 12/31/08; DEC approved 2/25/09. Ongoing construction work not related to operational intent. Operated near-continuously from 7/7 through 9/30/09. Sampling, habitat monitoring, and data evaluation ongoing.	Continue design of the Aeration Systems for Dutch Kills and East Branch under Contract NC-EK-IV.	On hold pending submission and approval of Newtown Creek Modification Request
Other Issues:	Requires coordination with WPCP planning and design requirements As allowed by the Order, currently subject to modification by the WWFP		Data report to be submitted to DEC 2/26/2010.	Site selection evaluation report 3/12/09; talks with NYCEDC for use of 58-26 47th St, Queens	Site approval (ULURP) and acquisition of property required. As allowed by the Order, currently subject to modification by the WWFP

3.8. Westchester Creek CSO

The Westchester Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall HP-014, which discharges at the head end of the Creek. Westchester Creek receives discharges from five CSO outfalls; however, discharges from CSO Outfall HP-014 were determined to be the primary cause of water quality degradation in the Creek. CSO Outfall HP-014 serves a drainage area of approximately 2,321 acres within the Hunts Point WPCP service area in the Borough of the Bronx. For this CSO planning area, the Waterbody / Watershed Facility Plan currently under review by the DEC analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Westchester Creek CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan recommendations, will be constructed in two phases with Phase I consisting of the facilities to divert the combined sewage to the CSO storage tank, as well as rehabilitation of an existing tide gate chamber, and Phase II consisting of the CSO storage tank. In addition to the facilities required for abatement at CSO Outfall HP-014, the DEP has agreed to provide, as part of the project, amenities for use by the Bronxchester and Van Nest Little Leagues that utilize the baseball fields adjacent to the site of the proposed CSO storage tank on the Bronx Psychiatric Center (BPC) Campus. These amenities consist of restroom facilities, a clubhouse facility, a parking lot to be located on top of the CSO storage tank, and fencing to separate the Little League facilities from the BPC Campus facilities and the DEP facilities. This section reports on the progress of the Little League restroom facilities, and Phases I and II of the Westchester Creek CSO Abatement Facilities Plan.

The Little League restroom facilities will be constructed under a separate contract referred to as the Site Preparation Contract in advance of the Phase I contract. Phase I includes construction of the diversion chamber in Eastchester Road, construction of the 2 MG CSO supply/storage conduit along Waters Place between the diversion chamber and the 10 MG CSO storage tank, and rehabilitation of the existing tide gate chamber located at CSO Outfall HP-014. Phase II includes construction of the 10 MG CSO storage tank in the southwest section of the BPC Campus, including an operations building to house operational units, construction of the Little League clubhouse facility and parking lot, and installation of the required fencing at the site.

Work Performed During This Quarter

Planning

- Site Acquisition at BPC Campus
 - ◆ Negotiations continued between New York City Department of City-Wide Administrative Services (DCAS) and the Dormitory Authority of the State of New York (DASNY) regarding acquisition of the site at the BPC Campus by the DEP for the CSO storage tank, and Little League restroom facilities and clubhouse facility.
 - ◆ A Job Hazard Analysis Form to perform the required surveying to prepare a metes and bounds description of a permanent easement along the access road into the BPC Campus

from Waters Place remained under review by the DEP. This easement, which will be from DASNY to the DEP, is needed to serve as an emergency access route onto the northeast section of the project site, and will be included as a stipulation in the Contract of Sale for the site.

Design

- Site Preparation
 - ◆ Work to prepare the Site Preparation Contract for re-bidding remained on hold until the site at the BPC Campus is acquired by the DEP.
- Phase I – Influent Sewers
 - ◆ **The DEP submitted the Westchester Creek Waterbody/Watershed Facility Plan in June 2007 that recommended replacing this element in Appendix A of the Order. Comments on the plan were received from DEC on January 20, 2010.**
- Phase II – CSO Storage Facility
 - ◆ **The DEP submitted the Westchester Creek Waterbody/Watershed Facility Plan in June 2007 that recommended replacing this element in Appendix A of the Order. Comments on the plan were received from DEC on January 20, 2010.**

Construction

- ◆ Construction has not yet been initiated.

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Site Acquisition at BPC Campus
 - ◆ Site acquisition negotiations between DCAS and DASNY will continue.
- **Phase I – Influent Sewers**
 - ◆ **DEP will submit a Modification Request for completion of final design of the Phase I Influent Sewers at the end of April 2010.**

Table 14 – Westchester Creek CSO Project

Plan Elements:	Westchester Creek CSO Supply/Storage Conduit, CSO Storage Tank and Little League Amenities
Location:	Bronx Psychiatric Center Campus, and along Eastchester Road and Waters Place in the Bronx
Actions:	Design and construction of an underground CSO storage tank with a capacity of 12 MG (including the storage capacity within the supply/storage conduit) to provide abatement at CSO Outfall HP-014 on Westchester Creek; design and construction of an operations building; design and construction of amenities for the Bronxchester and Van Nest Little Leagues
Cost:	Under Revision
Status:	Negative Declaration issued for project; ULURP Application approved; design underway for CSO supply/storage conduit, CSO storage tank and clubhouse facility for Little Leagues; design complete for restroom facilities for Little Leagues
Other Issues:	Site needs to be acquired by DEP from the State of New York; licensing agreement between DEP and the Little Leagues needs to be finalized; NYC Building Permit Application, as well as other permit applications, needs to be processed for restroom facilities for Little Leagues. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

3.9. Bronx River CSO

The modified CSO facilities plan for the Bronx River recommends that floatables control facilities be provided at CSO Outfalls HP-004, HP-007 and HP-009, within the Hunts Point WPCP drainage area, to minimize the discharge of unsightly floatable material. This modified plan eliminated the previously proposed 4 MG CSO storage facility due to limited benefits in the improvement of water quality in the Bronx River.

For CSO Outfall HP-004, which is located on the west bank of the Bronx River just north of the Cross Bronx Expressway and serves a drainage area of approximately 582 acres, the recommended floatables control facility consists of providing in-line netting within a new conduit located upstream of the outfall along West Farms Road. For CSO Outfall HP-007, which is located on the east bank of the Bronx River just north of the Sheridan Expressway and serves a drainage area of approximately 1,693 acres, the recommended floatables control facility consists of providing mechanical screens within Regulators 27 and 27A located upstream of the outfall. For CSO Outfall HP-009, which is located on the east bank of the Bronx River near the confluence with the East River and serves a drainage area of approximately 436 acres, the recommended floatables control facility consists of providing in-line netting within Regulator 13, located within Soundview Park upstream of the outfall.

Work Performed During This Quarter

Planning

- ◆ The Negative Declaration for the Bronx River Land Exchange Project EAS is still under review by the NYCDPR.
- ◆ The environmental soil boring investigation and laboratory analysis have been completed.

Design

- ◆ **No design activities this quarter**

Construction

- ◆ Contractor submitted vendor approvals, shop drawings and work permits.
- ◆ Contractor finalized CPM schedule and analysis.
- ◆ **Construction commenced on January 15, 2010.**
- ◆ **NYSDEC issued a Notification of No Jurisdictional Determination for Soundview Park (CSO-13/HP-009) and West Farm Road. (CSO-28/HP-004) on February 12, 2010.**
- ◆ **NYCDPR permit for Work on Park Property and Tree Work were issued on February 5, 2010 for Soundview Park (CSO-13), Bronx Zoo (CSO-27) and Bronx Park Avenue (CSO-27A) sites.**

- ◆ **Contractor completed installation of new groundwater monitoring wells and obtained ground water samples at Bronx Park Avenue and Bronx Zoo.**
- ◆ **Contractor completed relocation of bike path at Soundview Park.**

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- *Planning*
 - ◆ No activities to report.
- *Construction*
 - ◆ **Obtain groundwater analysis results for Bronx Park Avenue (CSO-27A) and Bronx Zoo (CSO-27).**
 - ◆ **Apply for NYSDEC State Pollution Discharged Elimination System permits for Bronx Zoo and Bronx Park Avenue.**
 - ◆ **Relocate Telemetry Box at Soundview Park (CSO-13/HP-009).**
 - ◆ **Commence excavation for regulator expansions at Soundview Park and Bronx Zoo.**
 - ◆ **Obtain DEP Sewer Connection permit for dewatering system discharge at Soundview Park.**
 - ◆ **Set up and install dewatering system at Soundview Park.**
 - ◆ **Obtain NYSDOT Work Permit for West Farms Road (CSO-28/HP-004).**

Table 15 – Bronx River CSO Project

Plan Elements:	Floatables Control Facilities at CSO Outfalls HP-004, HP-007 and HP-009
Location:	New conduit (West Farms Road) upstream of CSO Outfall HP-004, Regulator 27 (Bronx Park Avenue) and Regulator 27A (Bronx Zoo) upstream of CSO Outfall HP-007, and Regulator 13 (Soundview Park) upstream of CSO Outfall HP-009
Actions:	Design and construction of floatables control facilities for CSO Outfalls HP-004, HP-007 and HP-009
Cost:	\$26,473,401
Status:	Construction of the Bronx River Floatables Control Facilities Project commenced
Other Issues:	

3.10. Hutchinson River CSO

The Hutchinson River CSO Facilities Planning area consists of the drainage areas of CSO Outfalls HP-023 and HP-024 in the Hunts Point WPCP drainage area. The Hutchinson River receives discharges from five CSO outfalls; however, discharges from CSO Outfalls HP-023 and HP-024 were determined to be the primary cause of water quality degradation in the River. CSO Outfall HP-023, which is located on the west bank of the Hutchinson River near the southern end of Conner Street, serves a drainage area of approximately 300 acres. CSO Outfall HP-024, which is located on the west bank of the Hutchinson River near the intersection of Boston Road and 233rd Street, serves a drainage area of approximately 1,100 acres. For this CSO planning area, the Waterbody/Watershed Facility Plan, currently under review by the DEC, analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Hutchinson River CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan, will be constructed in two phases with Phase I consisting of a 4 MG CSO storage tank to provide abatement at CSO Outfall HP-023 and Phase II a 3 MG CSO storage tank to provide abatement at CSO Outfall HP-024. This section reports on the progress of Phases I and II of the Hutchinson River CSO Abatement Facilities Plan.

Phase I includes construction of a southern 4 MG CSO storage tank to be located adjacent to the Hutchinson River wholly within the boundary limits of Public Place Site, which is land near the southern end of Conner Street currently controlled by the DPR. Phase II includes construction of a northern 3 MG CSO storage tank to be located adjacent to the Hutchinson River along Hutchinson Avenue on land currently owned by Pascap Export, Inc.

DEC issued a letter to DEP date May 22, 2009 that prompted a series of discussions on the proposed Hutchinson River Waterbody/Watershed Facility Plan, and on July 31, 2009, DEP submitted a proposed sampling plan for the Hutchinson River that DEC approved. Sampling occurred during August and October 2009, and was presented to DEC on October 1 and December 10, 2009.

Based on conversations with DEC, the NYCDEP retracted the existing WWFP to better identify causes of impairment based on a more robust sampling program and to further evaluate cost effective alternatives consistent with the EPA CSO Policy. DEC provided comments to the June 2007 WWFP on May 22, 2009, in response to which DEP agreed to conduct water quality sampling. On January 4, 2010 DEC directed DEP to submit a letter outlining its strategy and timeline for submitting an approvable WWFP subsequent to that sampling effort. A conference call was convened by DEP and DEC on January 29, 2010, and on February 1, 2010 DEP responded. On February 19, 2010, DEC acknowledged the February 1 DEP letter and reaffirmed its direction for DEP to submit a water quality sampling plan and scoping document. Negotiations between DEP and DEC are ongoing.

Work Performed During This Quarter

Design

- Phase I – 4 MG CSO Storage Tank
 - ◆ DEP received comments from the DEC on the June 2007 Hutchinson River Waterbody/Watershed Facility Plan which includes modifications to the elements included in Appendix A of the Order on May 22, 2009. Alternative CSO abatement technologies are under consideration.
- Phase II – 3 MG CSO Storage Tank
 - ◆ DEP received comments from the DEC on the June 2007 Hutchinson River Waterbody/Watershed Facility Plan which includes modifications to the elements included in Appendix A of the Order on May 22, 2009. Alternative CSO abatement technologies are under consideration.

Construction

- ◆ Construction has not yet been initiated.

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ None

Table 16 – Hutchinson River CSO Project

Table 16 – Hutchinson River CSO Project	
Plan Elements:	Hutchinson River CSO Storage Facilities
Location:	City-owned property at southern end of Conner Street adjacent to Hutchinson River; privately-owned property along Hutchinson Avenue adjacent to Hutchinson River
Actions:	Design and construction of a 4 MG CSO storage tank and a 3 MG CSO storage tank to provide abatement at CSO Outfalls HP-023 and HP-024, respectively; rehabilitation of existing CSO Outfalls HP-023 and HP-024
Cost:	Under Revision
Status:	Alternatives under consideration
Other Issues:	DEC comments on WB/WS Facility Plan received May 22, 2009

3.11. Jamaica Bay CSO

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26th Ward WPCP drainage area, specifically the CSO discharges to Fresh Creek, Hendrix St. Canal and Spring Creek, as well as other tributary waters with CSO discharges to Jamaica Bay. The phased plan for the 26th Ward tributaries includes: Phase I includes cleaning of sewers in the 26th Ward drainage area and interim dredging of the head-end of Hendrix St Canal. Subsequent phases include development of waterbody/watershed plans for the 26th Ward tributaries under the Citywide Long Term Control Plan for CSO and expansion of the wet weather capacity of the 26th Ward WPCP by 50 MGD.

In addition to the facility plan recommendations, the existing Spring Creek Auxiliary WPCP has been upgraded. The project was developed under another program, but was subsequently listed as a recommended project in the Jamaica Bay CSO Abatement Facility Plan. The Spring Creek AWPCP is a CSO facility that receives flow from the Autumn Avenue Regulator in Brooklyn and the 157th Avenue Regulator in Queens. The flow is conveyed to the plant through six barrels and is distributed to six basins. If stored flow reaches an elevation of 1.0, the 24 effluent sluice gates at the effluent end of each of the basins open, allowing flow to be discharged to Spring Creek.

The key components of the Spring Creek Auxiliary WPCP upgrade include lowering the roof and providing enhanced HVAC and odor control systems, improved chemical systems, and new basin wash down systems.

In order to resolve remaining outstanding requirements of the omnibus Order on Consent dated June 18, 1999 (#R2-0045-93-05, the "Omni IV Order"), DEP and DEC agreed to include the Rockaway Omni IV Order in the 2008 modification to the 2005 CSO Consent. This requires the design of flow upgrades and construction of all necessary facilities to ensure that the Rockaway WPCP and associated sewer system is capable of delivering accepting, and treating influent at or above twice the plant's design flow during any storm event.

Work Performed During This Quarter

Design

- Hendrix Street Canal Interim Dredging
 - ◆ A Pre-Award conference was held with Mobile Dredging and DEP personnel as well representatives from the design and construction management consulting firms.
- Expansion of 26th Ward WPCP Capacity
 - ◆ The 60% design documents for Contract 26W-20 (Preliminary Treatment & Solids Handling Facilities) were submitted by the designer for review in August 2008. Design under this contract includes construction of a new split box to better balance flow between the primary tanks, construction of two new primary tanks to handle additional wet weather flow, and a new solids handling facility.

- ◆ Contracts 26W-22 and 22F involve the construction of a new main sewage pumping station capable of accommodating the expanded 50 MGD wet weather capacity proposed for the 26th Ward WPCP and designs are underway and are anticipated to be completed beyond existing CSO ACO milestone dates.

Construction

- Spring Creek Auxiliary WPCP Upgrade
 - ◆ The certification of construction completion was sent to DEC in April 2007 in satisfaction with the milestone.
- 26th Ward Drainage Area Sewer Cleaning and Evaluation
 - ◆ Work was completed on the removal of debris from all sewers noted within the Contract CSO-FC contract documents as well as other combined sewers within the 26th Ward drainage area including New Jersey Avenue from Hegeman to Flatlands Avenue; Wortman Avenue from New Jersey Avenue to Hendrix Street; and Hendrix Street from Wortman Avenue to the Hendrix Street Regulator. 13,898 cubic yards of debris were removed.
- Hendrix Street Canal Dredging
 - ◆ **DEP issued the Notice to Proceed to Construction to the general contractor for the Dredging of the Hendrix Street Canal on March 1, 2010 and certified compliance with the NTP milestone on March 1, 2010.**

Modified Milestones

- Dredging
 - ◆ **The DEC agreed to modify the Notice to Proceed to Construction milestone to February 2010 and the Construction Completion milestone to February 2012 for the Hendrix Street Canal Interim Dredging Project. The delays were the result of USACE's delayed issuance of its approval. The dates previously established were based on the date of issuance of DEC's Tidal Wetland Permit rather than from the effective date of approval of the joint application (December 5, 2008), which is the de facto limiting date for commencing dredging. In addition, the City is bound by prevailing wage laws but was lacking comparable job titles for dredging related work and could not solicit bids until a compensation basis could be established.**

Anticipated Activities for Next Quarter

- Dredging
 - ◆ **Dredging contractor mobilization and initiation of dredging activities within the Hendrix Street Canal.**
- 26th Ward Drainage Area Sewer Cleaning and Evaluation

- ◆ **Completion of restoration activities by the Contract CSO-FC contractor and submission of Certification of Construction Completion to the NYSDEC.**
- Expansion of 26th Ward WPCP Capacity
 - ◆ The 90% design documents for Contract 26W-20 (Preliminary Treatment & Solids Handling Facilities) will be under preparation by the designer. Cost estimates for Contract 26W-20 will be updated to reflect changing market conditions.

Table 17 – Jamaica Bay CSO Projects

Plan Elements:	Dredging	26 th Ward Drainage Area Sewer Cleaning and Evaluation	Expansion of 26 th Ward WPCP Capacity	Spring Creek Upgrade	Rockaway WPCP Conveyance Improvements
Location:	Phase I- Interim Dredging of Hendrix Street Canal	Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues	Phase IV- 26 th Ward WPCP, Brooklyn	Spring Creek, Brooklyn	Rockaway WPCP, Brooklyn
Actions:	Removal of CSO sediment mounds from the head end of the Hendrix Street Canal	Contractor initiated work August 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility	Improve collection system and WPCP capacity to achieve 2DDWF
Project Cost:	\$13.2 million	\$3.88 million	Estimate Construction Costs: <ul style="list-style-type: none"> ▪ 26W-20: \$211 million ▪ 26W-22: \$401 million⁽¹⁾ ⁽¹⁾ Conceptual estimate	\$87 million	TBD
Status:	Issued Notice to Proceed to Construction.	100% Complete	Final Design Initiated; 26W-20 Design 90% Complete 26W-22 Design 20% Complete	100% complete	Construction Completion in December 2017
Other Issues:	Notice to Proceed to Construction and Construction Complete Milestones dates have been modified by the DEC to February 2010 and February 2012, respectively.	-	Contracts 26W-22 and 22F involve the construction of a new main sewage pumping station capable of accommodating the expanded 50 MGD wet weather capacity proposed for the 26th Ward WPCP and designs are underway and are anticipated to be completed beyond existing CSO ACO milestone dates	-	Construction Completion in December 2017

3.12. Citywide Comprehensive Floatables Plan

Work Performed During This Quarter

- ◆ The floatables monitoring program completed its transition from a pilot phase to a full scale program as of February 2008. **In the first quarter of 2010, floatables-monitoring activities have continued as part of the following ongoing programs:**
 - (1) Harbor Water Quality Survey: Floatables monitoring was incorporated into existing cruise schedules to cover active sites.
 - (2) Public Participation: The Public Participation component is conducted by the New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years.
 - (3) Long Term Control Plan post construction compliance monitoring (PCM): Floatables monitoring is conducted as part of the PCM for the LTCP facilities that are on line (i.e., Flushing Bay and Spring Creek CSO retention facilities).
- ◆ **The CY2009 Floatables Monitoring Program Progress Report was completed during the first quarter of 2010 and submitted to the NYSDEC on April 1, 2010 in conjunction with the CY2010 CSO BMP Annual Report. Highlights include the following:**
 - In 2009, the floatables monitoring program included roughly 4,466 ratings conducted on 175 separate days at 102 sites.
 - Of the 48 sites monitored as part of DEP's Harbor Water Quality Survey, 47 were monitored 10 or more times and 1 site was monitored fewer than 5 times during the bathing season.
 - Of the 54 Public Participation sites, 17 were monitored 10 or more times, 45 were monitored 5 or more times, and 9 were monitored fewer than 5 times during the bathing season.
 - Overall, results of the ratings were overwhelmingly good, with 97 percent of ratings considered "very good" or "good" and 3 percent of ratings considered either "fair," "poor," or "very poor."
 - The three sites with the worst ratings on a consistent basis in 2009 were: Pier 66 (Hudson River, Manhattan), 60th Street (Hudson River, Manhattan), and Conference House (Arthur Kill, Staten Island).
- ◆ During previous reporting periods, CSO LTCP Waterbody/Watershed reports incorporated general language describing the floatables-monitoring program and the inclusion of floatables monitoring as part of the post-construction monitoring program for relevant LTCP waterbodies.

Missed/Modified Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ **Continue floatables-monitoring program activities, including monitoring at all active Harbor Water Quality Survey sites.**
- ◆ **Recruitment of volunteers and ongoing planning for the continuing public-participation element of the Floatables Monitoring program for the 2010 bathing season.**

3.13. Environmental Benefits Projects

These projects were undertaken in connection with the settlement of an enforcement action taken by New York State and DEC for violations of New York State law and DEC regulations. The 2008 Modification to the CSO Consent Order requires not less than four million dollars (\$4,000,000) worth of DEP-funded Environmental Benefit Projects (EBPs) designed to abate CSOs and/or address wet weather water quality impacts of CSOs and to benefit the waters in and around New York City. The 2008 Order further stipulates that the Quarterly Reports required by Section IV of the 2005 CSO Order shall include a report on the status of these EBPs and funds expended on the EBPs during the prior quarter, including a detailed EBP status and cost accounting of all funds expended, and general estimates of the costs expected to be incurred during the following quarter.

DEP submitted an approvable CSO EBP Plan to DEC in March 2008 that included the implementation of a suite of stormwater management techniques for the Bronx, Flushing, and Gowanus watersheds. The status of these programs is summarized below. The March 2008 EBP Plan was approved April 28, 2008. DEP has not submitted any alternative EBPs subsequent to the March 2008 submittal.

Work Performed During This Quarter

Bronx River

- ◆ **Draft Contract for EDesign Dynamics (Franco Montalto) was developed and is now being reviewed by Drexel University legal department. DEP Legal will review after any proposed changes that may be inconsistent with the contract developed under the Nitrogen Consent Order EBPs for Jamaica Bay.**
- ◆ **Preliminary screening selection for potential landscape subcontractors to install stormwater BMPs.**

Flushing Creek

- ◆ **Grant application information for stormwater BMPs was listed on DEP's website starting on December 14, 2009 and ending on February 26, 2010.**
- ◆ **Workshop for prospective grant applicants was held at DEP Headquarters on January 19, 2010, and proposals were due February 26, 2010.**
- ◆ **Eight proposals were received. The following applicants submitted proposals for the Gowanus watershed: New York/New Jersey Baykeeper and Gowanus Canal Conservancy. The following applicants submitted proposals for the Flushing watershed: Columbia University, Manhattan College, Regional Plan Association, Gaia Institute, E-design Dynamics, and Queens College**
- ◆ **Total in grant proposals for the Gowanus watershed was \$1,033,470 and the total in grant proposals for the Flushing watershed was \$3,270,664. A grand total of \$4,304,134 was received in grant applications.**

- ◆ **Grant proposal review committee consisting of DEC and DEP representatives was assembled and each member is reviewing the merits of each proposal based on the scoring sheet criteria included with the grant application.**
- ◆ **Rating sheets are due back from each member by April 30, 2010. Ratings will be tallied and short 1-week discussion of proposal qualifications will begin.**
- ◆ **Announcement of selected proposals is expected to be June 2010.**

Gowanus Canal

- ◆ **Grant application information for stormwater BMPs was listed on DEP's website starting on December 14, 2009 and ending on February 26, 2010.**
- ◆ **Workshop for prospective grant applicants was held at DEP Headquarters on January 19, 2010, and proposals were due February 26, 2010.**
- ◆ **Eight proposals were received. The following applicants submitted proposals for the Gowanus watershed: New York/New Jersey Baykeeper and Gowanus Canal Conservancy. The following applicants submitted proposals for the Flushing watershed: Columbia University, Manhattan College, Regional Plan Association, Gaia Institute, E-design Dynamics, and Queens College**
- ◆ **Total in grant proposals for the Gowanus watershed was \$1,033,470 and the total in grant proposals for the Flushing watershed was \$3,270,664. A grand total of \$4,304,134 was received in grant applications.**
- ◆ **Grant proposal review committee consisting of DEC and DEP representatives was assembled and each member is reviewing the merits of each proposal based on the scoring sheet criteria included with the grant application.**
- ◆ **Rating sheets are due back from each member by April 30, 2010. Ratings will be tallied and short 1-week discussion of proposal qualifications will begin.**
- ◆ **Announcement of selected proposals is expected to be June 2010.**

DEC US Forestry Service Grant

- **The Gaia Institute is nearing the completion of the tree pit designs and is working on obtaining necessary permits for the work. They have prepared a list of qualified bidders.**
- **Drexel has completed the LIDRA model, posted it to their open source website and is making refinements as they test it. On March 25, 2010 a project partner meeting was held in NYC and Drexel conducted a demonstration of the model. Several comments and suggestions were made by the partners for the model's improvement.**
- **Riverkeeper was unable to obtain permission for use of the property they chose for this work. A new location was sought, with two final contenders being evaluated. Riverkeeper has contracted with The Gaia Institute to do the design work for this project.**

Anticipated Activities for Next Quarter

Bronx River

- ◆ **Continue to finalize proposed contract with EDesign Dynamics.**
- ◆ **Continue screening landscape subcontractors.**

Flushing Creek

- ◆ **Continue to review grant application proposals and select eligible projects.**

Gowanus Canal

- ◆ **Continue to review grant application proposals and select eligible projects.**

DEC US Forestry Service Grant

- **Riverkeeper will select a final location and GI for the Newtown Creek project. Design work will begin.**
- **Gaia will complete the design for the tree pits in the HP-009 CSO Shed, obtain permits, prepare the bidding package and solicit bids.**
- ◆ **Drexel will continue to test and refine the model. Drexel graduate student will present the LIDRA model at a national conference.**

Table 18 – 2008 Modified CSO Consent Order Environmental Benefits Projects

<i>Plan Elements:</i>	<i>Bronx River</i>	<i>Flushing Bay and Creek</i>	<i>Gowanus Canal</i>	<i>DEC US Forestry Service Grant</i>
Location:	HP-009 service area	Exact locations TBD	Exact locations TBD	Bronx River and Newtown Creek CSO-Sheds
Description:	<p>Draft Contract for EDesign Dynamics was developed and is now being reviewed by Drexel University legal department. DEP Legal will review after any proposed changes that may be inconsistent with the contract developed under the Nitrogen Consent Order EBPs for Jamaica Bay. Preliminary screening selection for potential landscape subcontractors to install stormwater BMPs will continue.</p>	<p>Grant application information for stormwater BMPs was listed on DEP’s website from 12/14/09 through 2/26/10. A workshop for prospective applicants was held on 1/19/10. Eight proposals were received. Total in grant proposals was \$1,033,470 for Gowanus and \$3,270,664 for Flushing. Review committee consisting of DEC and DEP representatives is scoring each proposal per scoring sheet criteria included with the grant application.</p>	<p>Grant application information for stormwater BMPs was listed on DEP’s website from 12/14/09 through 2/26/10. A workshop for prospective applicants was held on 1/19/10. Eight proposals were received. Total in grant proposals was \$1,033,470 for Gowanus and \$3,270,664 for Flushing. Review committee consisting of DEC and DEP representatives is scoring each proposal per scoring sheet criteria included with the grant application.</p>	<p>Gaia to install three different types of tree pits in the HP-009 area in the Bronx. Riverkeeper to install Green Infrastructure of another variety in Newtown Creek CSO shed. Drexel University will put the LIDRA modal (Low Impact Development Rapid Assessment) they developed on their open source web site and will conduct two training sessions for its use by other municipalities. YMPJ will conduct education and stewardship activities in the HP-009 area.</p>
Cost:	<p>Budget: \$850,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0</p>	<p>Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0</p>	<p>Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0</p>	<p>Budget: \$250,000 Cost to date: \$149,886 This Qtr: \$22,636 Next Qtr: \$45,000</p>
Status:	<p>Will continue to work closely with Dr. Montalto in scheduling and completion of companion project tasks for inclusion into development of proposed BMPs and LIDs under this proposal.</p>	<p>Grant application review committee currently evaluating submitted projects.</p>	<p>Grant application review committee currently evaluating submitted projects.</p>	<p>Drexel has completed the LIDRA model. Gaia is completing designs of three types of tree pits for installation in the HP-009 CSO-Shed. A location for GI is being selected for a Newtown Creek CSO-Shed.</p>
Other Issues:				<p>All letter agreements are in place with Gaia, Riverkeeper, Drexel and YMPJ.</p>

4.0 Compliance Status

4.1. Unresolved Delays

See Section 7.0, Other Issues.

4.2. Compliance Charts

The following table summarizes the milestone dates developed in the draft Consent Order and updates available through **March 2010**:

Table 19 – Consent Order Milestone Dates

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
I. Alley Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Approvable Additional Modified Facility Plan Report	-	Feb 2004	100
3. Submit Form 2A SPDES Application	-	Jun 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable East River Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Outfall and Sewer System Improvements			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Mar 2002	100
3. Notice to Proceed to Construction	Dec 2002	-	100
4. Construction Completion	-	Dec 2006	100
D. CSO Retention Facility			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Dec 2005	100
3. Notice to Proceed to Construction	Dec 2006	-	100
4. Construction Completion	-	Dec 2009 ⁽¹⁾	83
E. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for	-	Apr 29 2010	50

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
Alley Creek			
2. Submit Approvable Drainage Basin Specific LTCP for East River	-	6 mos. after approval of I.B.2.	50
II. Outer Harbor CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Regulator Improvements - Fixed Orifices			
1. Initiate Final Design	Jan 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Apr 2005	100
3. Notice to Proceed to Construction	Feb 2006	-	100
4. Construction Completion	-	Jul 2008	100
D. Regulator Improvements – Automation			
1. Initiate Final Design	Feb 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2006	100
3. Notice to Proceed to Construction	Nov 2007	-	100
4. Construction Completion	-	Jun 2010	76
E. Port Richmond Throttling Facility			
1. Initiate Final Design	Jun 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Aug 2005	100
3. Notice to Proceed to Construction	Jun 2006	-	100
4. Construction Completion	-	Nov 2009	100
F. Submit Approvable Drainage Basin Specific LTCP for Open Waters	-	6 mos. after approval of II.B.1.	50
III. Inner Harbor CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Submit Additional Modified Facility Plan Report	-	Feb 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Regulator Improvements - Fixed Orifices			
1. Initiate Final Design	Mar 2000	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 2002	100
3. Notice to Proceed to Construction	Feb 2003	-	100
4. Construction Completion	-	Apr 2006	100
D. Regulator Improvements – Automation			
1. Initiate Final Design	Feb 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2006	100
3. Notice to Proceed to Construction	Nov 2007	-	100
4. Construction Completion	-	Jun 2010	76
E. In-Line Storage			
1. Initiate Final Design	Jul 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2006	100
3. Notice to Proceed to Construction	Aug 2007	-	100
4. Construction Completion	-	Aug 2010	95
F. Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	Jan 2011	50
G. Flushing Tunnel Modernization			
1. Notice to Proceed to Construction	Feb 2010	-	100
2. Construction Completion	-	Sep 2014	<1
H. Gowanus Pump Station Reconstruction			
1. Notice to Proceed to Construction	Feb 2010	-	100
2. Construction Completion	-	Sep 2014	<1
I. Dredging of Gowanus Canal			
1. Submittal of All Dredging Permit Applications	Dec 2010		-
2. Notice to Proceed with Dredging		TBD⁽²⁾	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
3. Complete Dredging		TBD ⁽²⁾	-
IV. Paerdegat Basin CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb 2004	100
3. Submit Form 2A SPDES Application	-	Jul 2002	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report	-	Mar 2003	100
C. Influent Channel			
1. Initiate Final Design	Oct 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Mar 1997	100
3. Notice to Proceed to Construction	Feb 1999	-	100
4. Construction Completion	-	Feb 2002	100
D. Foundations and Substructures			
1. Initiate Final Design	Oct 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Aug 2001	100
3. Notice to Proceed to Construction	Jun 2002	-	100
4. Construction Completion	-	Dec 2009	98⁽³⁾
E. Structures and Equipment			
1. Initiate Final Design	Oct 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2004	100
3. Notice to Proceed to Construction	Sep 2005	-	100
4. Construction Completion	-	May 2011	85
F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov 2005	100
Dredging of Paerdegat Basin			
Submit Joint Application Permit to USACE and DEC to associated with dredging at the head-end and mouth of Paerdegat Basin	-	Dec 2008	100
Notice to Proceed with Dredging		TBD⁽²⁾	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
Complete Dredging		TBD⁽²⁾	-
V. Flushing Bay CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb 2004	100
3. Submit Form 2A SPDES Application	-	Jun 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. CS4-1 Reroute and Construct Effluent Channel			
1. Initiate Final Design	Oct 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1994	100
3. Notice to Proceed to Construction	Jun 1995	-	100
4. Construction Completion	-	Jun 1996	100
D. CS4-2 Relocate Ballfields			
1. Initiate Final Design	Oct 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1994	100
3. Notice to Proceed to Construction	Apr 1995	-	100
4. Construction Completion	-	Aug 1995	100
E. CS4-3 Storage Tank			
1. Initiate Final Design	Dec 1993	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1996	100
3. Notice to Proceed to Construction	Jul 1997	-	100
4. Construction Completion	-	Aug 2001	100
F. CS4-4 Mechanical Structures - Initiate Final Design			
1. Initiate Final Design	Dec 1993	-	100
2. Final Design Completion Including CPM Analysis	-	Feb 2000	100
3. Notice to Proceed to Construction	Mar 2002	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
4. Construction Completion	-	Sep 2009	100
G. CS4-5 Tide Gates			
1. Initiate Final Design	Aug 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 1999	100
3. Notice to Proceed to Construction	Dec 2000	-	100
4. Construction Completion	-	Apr 2002	100
H. CD-8 Manual Sluice Gates			
1. Final Design Completion Including CPM Analysis	-	May 2003	100
2. Notice to Proceed to Construction	Feb 2004	-	100
3. Construction Completion	-	Jun 2005	100
I. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for Flushing Bay	-	6 mos. after apprvl. of V.B.1.	50
2. Submit Approvable Drainage Basin Specific LTCP for Flushing Creek	-	6 mos. after apprvl. of V.B.2.	50
J. Tallman Island WPCP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event			
1. Initiate Final Design	Dec 2007	-	100
2. Final Design Completion including CPM Analysis	-	Dec 2010	45
3. Notice to Proceed to Construction	Dec 2011	-	-
4. Construction Completion	-	Jul 2015	-
B1. Flow Meters (2009 Modification, Appendix B)			
a) Submit flow metering protocols	-	Jul 2009	100
b) Include effluent overflow volumes in monthly reports	-	Within 60 days of DEC approval of 1(a)	-
B2. Odor Control System (2009 Modification, Appendix B)			
a) Apply to register CBS & for inspection variance	-	Sep 2009	100
b) Certify completion of start-up and testing	-	Jun 2009	100
c) Demonstrate system to DEC using water	-	Sep 2009	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
d) Certify construction completion	-	Sep 2009	100
B3. Bar Screens (2009 Modification, Appendix B)			
a) Report on repairs and modifications	-	Jun 2009	100
b) Demonstrate full operation to DEC	-	Sep 2009	100
B4. Tallman Island Regulator 9 (2009 Modification, Appendix B)			
a) Submit report describing telemetry/SCADA systems	-	May 2009	100
VI. Jamaica Tributaries CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Apr 2003	100
2. Submit Additional Modified Facility Plan Report	-	Feb 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Meadowmere & Warnerville DWO Abatement			
1. Initiate Final Design	Jan 2004	-	100
2. Final Design Completion Including CPM Analysis	-	May 2005	100
3. Notice to Proceed to Construction	Jun 2006	-	100
4. Construction Completion	-	Jul 2009	99 ⁽³⁾
D. Expansion of Wet Weather Capacity of Jamaica WPCP			
1. Initiate final Design	Jun 2009	-	-
2. Submit Form 2A SPDES Application	-	Jun 2010	-
3. Final Design Completion Including CPM Analysis	-	Jun 2011	-
4. Notice to Proceed to Construction	Jun 2012	-	-
5. Construction Completion	-	Jun 2015	-
E. Destratification Facility			
1. Initiate Final Design	Jan 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Dec 2007	100
3. Notice to Proceed to Construction	Sep 2010	-	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
4. Construction Completion	-	Mar 2012	-
F. Laurelton and Springfield Blvd.			
1. Submit Drainage Plan for Storm Sewer Build-out (extension granted by DEC letter, 2/29/08)	-	May 2008	100
G. Regulator Automation			
1. Initiate Final Design	Feb 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2006	100
3. Notice to Proceed to Construction	Nov 2007	-	100
4. Construction Completion	-	Jun 2010	76
H. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin	-	Aug 2012	50
2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin	-	Aug 2012	50
VII. Coney Island Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Apr 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Avenue V Pumping Station Upgrade			
1. Initiate Final Design	Apr 1998	-	100
2. Final Design Completion including CPM Analysis	-	Jan 2005	100
3. Notice to Proceed to Construction	Nov 2005	-	100
4. Construction Completion	-	Apr 2011	53
D. Avenue V Force Main			
1. Initiate Final Design	Apr 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 2006	100
3. Notice to Proceed to Construction	Jul 2007	-	100
4. Construction Completion	-	Jun 2012	85
E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	Jan 2011	50

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
VIII. Newtown Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Oct 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Aeration Zone I			
1. Initiate Final Design	Mar 2001	-	100
2. Final Design Completion Including CPM Analysis	-	Dec 2004	100
3. Notice to Proceed to Construction	Dec 2005	-	100
4. Construction Completion	-	Dec 2008	100
D. Aeration Zone II			
1. Initiate Final Design	Jun 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	20
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2014	-
E. Relief Sewer / Regulator Modification			
1. Initiate Final Design	Jun 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2009	10
3. Notice to Proceed to Construction	Jun 2010	-	-
4. Construction Completion	-	Jun 2014	-
F. Throttling Facility			
1. Initiate Final Design	Dec 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2008	100
3. Notice to Proceed to Construction	Jun 2009	-	100
4. Construction Completion	-	Dec 2012	40
G. CSO Storage Facility			
1. Initiate Final Design	Nov 2010	-	-
2. Submit Form 2A SPDES Application	-	Nov 2013	-
3. Final Design Completion Including CPM Analysis	-	Nov 2014	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
4. Notice to Proceed to Construction	Dec 2015	-	-
5. Construction Completion	-	Dec 2022	-
H. Submit Approvable Drainage Basin Specific LTCP for Newtown Creek	-	Feb 2016	50
IX. Westchester Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Apr 2003	100
2. Submit Form 2A SPDES Application	-	Submit with final design plans & specs	-
B. Comprehensive Watershed Planning			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	Jul 2004	Jun 2007	100
C. Phase I (Influent Sewers)			
1. Initiate Final Design	Jan 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	20
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2015	-
D. CSO Storage Facility			
1. Notice to Proceed to Construction	Dec 2015	-	-
2. Construction Completion	-	Dec 2022	-
E. Submit Approvable Drainage Basin Specific LTCP for Westchester Creek	-	Feb 2016	50
X. Bronx River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Sep 2003	100
2. Submit Additional Modified Facility Plan Report	-	Mar 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Floatables Control			
1. Initiate Final Design	Jan 2006	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Final Design Completion Including CPM Analysis	-	Jul 2008	100
3. Notice to Proceed to Construction	Jun 2009	-	100
4. Construction Completion	-	Jun 2012	5
D. Submit Approvable Drainage Basin Specific LTCP for Bronx River	-	6 mos. after approval of X.B.1.	50
XI. Hutchinson River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Jul 2003	100
2. Submit Form 2A SPDES Application	-	Submit with final design plans & specs	-
B. Comprehensive Watershed Planning			
1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Phase I of the Storage Facility			
1. Initiate Final Design	Apr 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	10
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2015	-
D. Future Phases			
1. Notice to Proceed to Construction	Dec 2016	-	-
2. Construction Completion	-	Dec 2023	-
E. Submit Approvable Drainage Basin Specific LTCP for Hutchinson River	-	Feb 2017	50
XII. Jamaica Bay CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Dec 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Jamaica Bay Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable Spring Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
3. Submit Approvable Fresh Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
4. Submit Approvable Hendrix Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
C. Spring Creek AWPCP Upgrade			
1. Initiate Final Design	Apr 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Feb 2002	100
3. Submit Form 2A SPDES Application	-	Jun 2003	100
4. Notice to Proceed to Construction	Mar 2003	-	100
5. Construction Completion	-	Apr 2007	100
D. 26th Ward Drainage Area Sewer Cleaning and Evaluation			
1. Initiate Final Design	Jan 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2007	100
3. Notice to Proceed to Construction	-	Jun 2008	100
4. Construction Completion	-	Jun 2010	100
E. Hendrix Creek Dredging			
1. Initiate Final Design	Jan 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2007	100
3. Notice to Proceed to Construction	Feb 2010	-	100
4. Construction Completion	-	Feb 2012	1
F. 26th Ward Wet Weather Expansion			
1. Initiate Final Design	Jun 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	15
3. Submit Form 2A SPDES Application	-	Submit with final design plans & specs	-
4. Notice to Proceed to Construction	Jun 2011	-	-
5. Construction Completion	-	Dec 2015	-
G. Drainage Basin Specific Long Term Control Plans			
1. Submit Approvable Drainage Basin Specific LTCP for Jamaica Bay	-	Aug 2012	50
2. Submit Approvable Drainage Basin Specific LTCP for	-	Aug 2012	50

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
Spring Creek			
3. Submit Approvable Drainage Basin Specific LTCP for Fresh Creek	-	Aug 2012	50
4. Submit Approvable Drainage Basin Specific LTCP for Hendrix Creek	-	Aug 2012	50
H. Rockaway WPCP Conveyance Improvements		Dec 2017	-
XIII. Citywide Comprehensive Floatables Plan			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Dec 2004	100
XIV. Submit Approvable City-Wide LTCP			
	-	Dec 2017	-

Notes: (1) A modification to the completion date from 12/31/2009 to 11/10/2010 was submitted to NYSDEC on 10/30/2009. (2) Dredging NTP 3 years from effective date of permit; completion within 5 years of EDP. (3) CSO Consent Order elements completed and a Certification of Construction Completion has been submitted.

5.0 Community Relations

No public meetings were held during this quarter.

6.0 Key Personnel Changes

NYC Mayor Michael Bloomberg appointed Caswell F. Holloway IV as the new Commissioner of the NYC Department of Environmental Protection. **Commissioner Holloway assumed office on January 1, 2010.**

7.0 Other Issues

The following action items were identified during the **February 9, 2010** CSO Quarterly Meeting:

	Action Item	Response	Target Date	Status
1	Inner Harbor – DEP to notify DEC Region 2 of Gowanus Flushing Tunnel shutdown 2 to 3 weeks in advance	<i>Forecast to be shutdown on July 23, 2010. Notification expected first week of July.</i>	7/1/2010	DEP Will Comply
2	Paerdegat Basin – DEP to submit Form 2A SPDES Application and variance	<i>DEP is developing these items.</i>	Summer 2010	Under Development
3	Paerdegat Basin – DEC to conduct final inspection of Contract 4B work	<i>Final inspection was rescheduled and completed on 3/23.</i>	2/24/2010	Resolved 3/23/2010
4	Flushing Bay – DEP to submit revised flow measurement methodology	<i>DEP provided response on 3/5/2010.</i>	3/15/2010	Submitted 3/5/2010
5	Jamaica Tributaries – DEP to submit a Modification Request for the Jamaica WPCP Wet Weather Expansion	<i>DEP is coordinating a comprehensive plan, modification request anticipated by 4/30.</i>	2/15/2010	Under Development
6	Coney Island Creek – DEP to submit Modification Request to align completion milestones for Ave V PS and FM to June 2012	<i>DEP is developing a modification request.</i>	No Target Date Established	Under Development
7	Westchester Creek – DEP to submit Modification Request for Phase I (influent sewers) milestone, with commitment to submit revised WWFP by June 2010	<i>Due to ongoing technical discussions, DEP projects an extension request to finalize recommendations and submit WWFP and modification request concurrently.</i>	4/30/2010	Under Development
8	Hutchinson River – DEC to provide response to DEP 02/01/2010 letter	<i>DEC provided a response, DEP is developing a sampling plan for approval.</i>	2/12/2010	Resolved

	Action Item	Response	Target Date	Status
9	Newtown Creek – DEP to submit model recalibration memo for Newtown Creek aeration	<i>DEP submitted the Newtown Creek technical memos and engineering reports.</i>	2/15/2010	Resolved
10	Newtown Creek – DEP to submit Modification Request and engineering reports on aeration system for Newtown Creek	<i>DEP submitted on 3/31/2010.</i>	3/31/2010	Resolved
11	Bronx River – DEP to submit revised Responsiveness Summary for Bronx River WWFP	<i>Revised Responsiveness Summary was e-mailed on 2/17/2010.</i>	2/17/2010	Resolved
12	Jamaica Bay – DEP to certify completion of 26 th Ward sewer cleaning	<i>DEP is preparing certification letter.</i>	3/31/2010	Resolved
13	Jamaica Bay – DEP to submit Modification Request for 26 th Ward Wet Weather expansion design completion milestone	<i>DEP is developing a modification request and expects to submit by 4/30/2010.</i>	4/3/2010	Under Development
14	Miscellaneous – DEC Legal to provide copy of draft HRF contract for EBPs		No Target Date Established	Awaiting response from DEC
15	Miscellaneous – DEP and DEC to set up legal/technical staff meeting to discuss revised milestones for LTCPs	<i>Meeting is being scheduled, currently targeted early May.</i>	2/28/2010	Under Development
16	Miscellaneous – DEC to prepare summary chart of LTCP milestones and issues	<i>DEC provided chart of LTCP issues.</i>	No Target Date Established	Resolved
17	Miscellaneous – DEC to submit comments on Quarterly reports on DEC letterhead; DEP will append to subsequent Quarterly report	<i>Procedural change to improve documentation of DEC comments</i>	No Target Date Established	DEP Will Comply
18	Miscellaneous – DEP to review and revise format and content of Quarterly meeting presentation	<i>DEP to develop and present at next Quarterly Meeting</i>	No Target Date Established	Under Development

8.0 Status of LTCP Development

According to the Order, the reporting on the progress of the Drainage Basin Specific LTCP and Waterbody/Watershed Plan development shall be included in the first and third quarterly reports of each calendar year beginning in the year 2005 and continuing until all Appendix A requirements have been completed and approved. The Order specifies that the following elements shall be addressed: (1) Characterization, Monitoring, and Modeling of the Combined Sewer System; (2) Public Participation; (3) Consideration of Sensitive Areas; (4) Evaluation of Alternatives; (5) Cost/Performance Considerations; (6) Operational Plan; (7) Maximizing Treatment at the Existing WPCP Treatment Plant; (8) Implementation Schedule; and (9) Post Construction Compliance Monitoring.

DEP has submitted all of the required WB/WS Plans to DEC for review. Following is the status of each:

- ◆ The June 2009 Alley Creek Waterbody/Watershed Facility Plan Report was approved by DEC on October 29, 2009. Based on the date of approval, the Alley Creek Long-Term Control Plan would be due on April 29, 2010 (i.e., six months after WWFP approval). **However, DEP submitted an Extension Request February 26, 2010 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCPs.**
- ◆ DEC provided comments on the July 2009 Bronx River Waterbody/Watershed Facility Plan Report on October 20, 2009. DEP responded to requests for additional information within the comments on October 30, 2009 and on November 20, 2009. DEP resubmitted an electronic red-line version of the WWFP on December 18, 2009 as agreed to by DEC and DEP staff on November 13, 2009. **DEP received comments from DEC on the public participation Responsiveness Summary on March 22, 2010 via electronic mail.**
- ◆ The June 2009 version of the Coney Island Creek Waterbody/Watershed Facility Plan was approved July 15, 2009, as amended. The Coney Island Creek Long-Term Control Plan **was** therefore due on January 15, 2009, i.e., 6 months after approval of the Waterbody/Watershed Facility Plan. **However, DEP submitted an Extension Request November 13, 2009 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCPs. The request was sent through technical staff, and was resubmitted through legal staff on December 28, 2009. DEC granted an extension to January 31, 2011 in a letter dated January 13, 2010.**
- ◆ The East River Open Waters Waterbody/Watershed Facility Plan Report was submitted to DEC June 2007.
- ◆ The Flushing Creek and Flushing Bay Waterbody/Watershed Facility Plans were submitted to DEC on March 31, 2009 and June 30, 2009, respectively. The reports incorporate DEC's comments on the June 2007 Flushing Bay and Creek Waterbody/Watershed Facility Plan Report, including the recommendation that the Plan be split into

two distinct planning areas and documents, i.e., one for Flushing Creek and one for Flushing Bay.

- ◆ The August 2008 version of the Gowanus Waterbody/Watershed Facility Plan was approved July 14, 2009, as amended. An Addendum to the August 2008 Report was submitted to DEC May 18, 2009 incorporating DEC's comments. The Gowanus Canal Long-Term Control Plan is therefore due on January 14, 2010, i.e., six months after approval of the Waterbody/Watershed Facility Plan. **However, DEP submitted a Modification Request November 13, 2009 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCs. The request was sent through technical staff, and was resubmitted through legal staff on December 28, 2009. DEC granted an extension to January 31, 2011 in a letter dated January 13, 2010.**
- ◆ The Hutchinson River Waterbody/Watershed Facility Plan Report was submitted to DEC June 2007. **DEC provided comments to this report on May 22, 2009, in response to which DEP agreed to conduct water quality sampling. On January 4, 2010 DEC directed DEP to submit a letter outlining its strategy and timeline for submitting an approvable WWFP subsequent to that sampling effort. A conference call was convened by DEP and DEC on January 29, 2010, and on February 1, 2010 DEP responded. On February 19, 2010, DEC acknowledged the February 1 DEP letter and reaffirmed its direction for DEP to submit a water quality sampling plan and scoping document.**
- ◆ The Newtown Creek Waterbody/Watershed Facility Plan Report was submitted to DEC June 2007.
- ◆ The Paerdegat Basin LTCP was approved February 2007.
- ◆ The Westchester Creek Waterbody/Watershed Facility Plan Report was submitted to DEC June 2007. **Comments were received from DEC on January 20, 2010. These comments were under evaluation during the first Quarter of 2010.**
- ◆ The Jamaica Bay and CSO Tributaries Waterbody/Watershed Facility Plan Report was submitted to DEC June 2007. The plan covers Bergen Basin, Fresh Creek, Hendrix Creek, Jamaica Bay, Spring Creek, and Thurston Basin.

APPENDIX A
CONSENT ORDER CERTIFICATION LETTERS



New York City Department of
Environmental Protection
www.nyc.gov/dep

59-17 Junction Boulevard
Flushing, NY 11373

Caswell F. Holloway
Commissioner

January 5, 2010

Robyn Adair, Esq.
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-3506

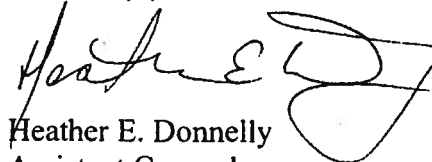
**Re: Order on Consent (CSO Order)
DEC Case #CO2-20000107-8, Appendix A, Paerdegat Basin
Milestone IV.D. 4, Foundations and Substructures
Certification of Construction Completion**

Dear Ms. Adair:

In accordance with Section III-F of the above referenced Combined Sewer Overflow Order on Consent (the "Order"), the New York City Department of Environmental Protection ("DEP") hereby submits this letter as certification of completion of work required for compliance with Milestone IV.D.4 as set forth in said Order and as modified on December 4, 2009 (see attached copy of DEC Determination). As set forth in the attached certification from the construction manager, all CSO-related construction required for compliance with the above named milestone has been completed in accordance with the approved plans and specifications as of January 2, 2010. Certain minor punchlist work will be performed after the modified milestone date.

Please contact me at (718) 595-6610 if you have any questions regarding this certification.

Very truly yours,


Heather E. Donnelly
Assistant Counsel

James DeZolt
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-3500

Scott Crisafulli, Esq.
Division of Environmental Enforcement
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-5500

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-3500

Robert Elburn, P.E.
Regional Water Engineer
Division of Water, Region 2
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, New York 11101

Timothy Burns, P.E.
New York State Environmental Facilities Corporation
625 Broadway
Albany, NY 12207

William Plache, Esq.
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

DEP: R. Tysvaer, K. Mahoney, , R. Meshkati, K. Clarke, D. Chao
H&S: P. Young, T. Groninger

MEMORANDUM

To: Ray Meshkati, P.E.
Chief, Facilities Construction South

Memo No: 4B-3054

From: Pietro L. Palmari, P.E.
Resident Engineer

Date: January 5, 2010

Subject: Paerdegat Basin Water Quality Facility
Contract CSO-4B: Foundations and Substructures
Registration No. 20090022639
Certification
CSO Order on Consent, DEC Case #CO2-20000107-8

This memorandum certifies that all CSO-related construction required for compliance with Milestone IV.D.4 have been completed in accordance with the approved plans and specifications with the exception of certain minor punch-list work which will be performed after the modified milestone date. To that end, successful field testing, certification, and acceptance occurred on January 2, 2010.



Very truly yours,

A handwritten signature in black ink, appearing to read "P. Palmari", written over a horizontal line.

Pietro Palmari, P.E.
Resident Engineer



MAR 01 2010

Mr. Joseph DiMura, P.E.
Director
Bureau of Water Compliance
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-3506

Caswell F. Holloway
Commissioner

James G. Mueller, P.E.
Deputy Commissioner

Bureau of Engineering
Design & Construction

jmueller@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373

(718) 595-5973 tel
(718) 595-5999 fax

**Re: Order on Consent (CSO Order)
DEC Case #CO2-20070101-1
Appendix A, XII. Jamaica Bay CSO, E. Hendrix Creek
Dredging, 3. Notice to Proceed to Construction**

Dear Mr. DiMura:

In accordance with Section III.F of the above-referenced Consent Order for Combined Sewer Overflow (the Order), this letter is to certify the compliance with a milestone contained in the Order by the New York City Department of Environmental Protection. Specifically, notice to proceed to construction has been transmitted to the general contractor for Hendrix Creek CSO Dredging. This is in conformance with Milestone XII.E.3 in Appendix A of the Order. A copy of the order to commence work is attached.

Please contact me at (718) 595-6208 if you have any questions regarding this certification.

Very truly yours,

Roy Tysvaer, P.E.
Director, Wastewater Treatment
and Water Quality

Attachment

Xc: James DeZolt, P.E.
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-3500

Robyn Adair, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
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New York State Environmental Facilities Corporation
625 Broadway
Albany, NY 12207

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Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

DEP: H. Donnelly; R. Meshkati; K. Mahoney; D. Chao
P. Young (H&S), File



March 1, 2010

Mobile Dredging & Pumping Co.
3100 Bethel Road
Chester, PA 19013

Caswell F. Holloway
Commissioner

Carol E. Fenves
Agency Chief Contracting Officer
cfenves@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373

(718) 595-3225 tel
(718) 595-3278 fax

RE: ORDER TO COMMENCE WORK FOR CONTRACT CSO-HC (R1)

Dear Contractor:

Transmitted herewith is your duly executed contract CSO-HC (R1) for furnishing all labor and materials necessary and required for the 26th Ward Drainage Area Hendrix Creek Canal Dredging, Brooklyn.

The Contract was:

Awarded to you on	January 08, 2010
Executed on	January 25, 2010
Registered by the Comptroller on	February 25, 2010

The Contract was awarded in the amount of \$13,177,750.00 and the registration number is CTC 826 20101403364.

The commence work date is March 01, 2010. You must complete the work within 460 consecutive calendar days as fixed in the General Conditions, or within the time such completion may be extended. The date to complete all work is June 04, 2011.

Upon receipt of this order please contact Ray Meshkati, located at 96-05 Horace Harding Expressway, 4th Fl. (718) 595-6123.

Yours truly,

A handwritten signature in black ink, appearing to read "Debra Butlien".

Debra Butlien
Deputy ACCO

APPENDIX B
NYSDEC COMMENTS ON THE 4th QUARTER, 2009
QUARTERLY REPORT

Comments
Quarterly Report
4th Quarter, 2009

1. Section 1.0, Executive Summary

- Bullet No. 7, last sentence should read: The Notice to Proceed to Construction Milestone is September 30, 2010.
- Page 1-2, Table 1: Certification letter for Paerdegat Basin is dated 1/5/2010.
- Page 1-4: Table 4: Remove the Newtown Creek Throttling Facility from table; the construction milestone has already been met.

2. Section 3.3, Inner Harbor:

- Page 3.9, Anticipated Activities for Next Quarter, In-Line Storage: Confirm that the training of operating personnel will occur in Q1 2010 and that the R-20 site will be completed in Q1 2010 so a certification letter can be submitted by end of the quarter.

3. Section 3.5, Flushing Bay:

- Page 3-20, Construction: Bullets 2 and 3 were not updated to reflect Q4 activities. The flow metering methodology was resubmitted on 11/13/09 and is still unacceptable to the DEC.

4. Section 3.6, Jamaica Tributaries:

- Page 3-24, Anticipated Activities for Next Quarter, and Page 3-25: Table 11: Confirm that the required permit for the destratification facility is a building permit as described on page 3-23 and clarify text accordingly.

5. Section 3.8, Newtown Creek:

- Page 3-30, Introductory Section: Clarify that the modification request was submitted on April 30, 2009, and the DEC granted milestones extensions for VIII.E.2 and VIII.F.3 on June 24, 2009 until August 31, 2009 and on August 27, 2009 until October 31, 2009. The DEP submitted a request on October 30, 2009 for an additional milestone extension to February 2010 and on November 17, 2009, the DEC granted an extension to February 1, 2010 for VIII.E.2 and VIII.F.3.
- Page 3-33, Anticipated Activities for Next Quarter: Provide an update on the design for Phase 2 aeration.
- Page 3-34, Table 13: Revise the text for Phase 1 and Phase 2 aeration to indicate that 3.0 mg/l is the DO goal, rather than 1.0 mg/l.

6. Section 3.10, Bronx River:

- Page 3-39, Construction: The HASP was approved 10/8/2009.

7. Section 3.11, Hutchinson River:

- Page 3-41, Introductory Section: Remove the statement regarding the results of the water quality program indicating that impairments are due to sources other than CSOs. The

Comments
Quarterly Report
4th Quarter, 2009

Quarterly Report should provide information on compliance activities and issues related to the CSO consent order, not opinions such as this statement.

8. Section 3.12, Jamaica Bay:

- Page 3-43 and Table 17: Provide a description of the Rockaway WPCP Conveyance Improvements in the Introductory Section and a status update in Table 17.
- Page 3-44, Modified Milestones: Provide additional information on the cause of the delays for issuance of the NTPC for Hendrix Creek dredging.
- Page 3-44, Construction, Spring Creek: Confirm if there are still change order issues pending for this CSO facility and describe the pending issues as needed.
- Page 3-44 and 3-45, Anticipated Activities for Next Quarter, Sewer Cleaning: Confirm if a construction certification will be submitted in Q1 2010; according to page 1-2, a construction completion certification will be submitted next quarter.

9. Section 3.13, Citywide Comprehensive Floatables Plan:

- Page 3-48, Anticipated Activities for Next Quarter: Confirm if DEP will submit an invoice for the summer 2009 beach cleaning during Q1 2010 and if so, provide a submittal date.

10. Section 3.14, Environmental Benefit Projects:

- Pages 3-49 and 3-52: This section does not include any updates for the EBPs managed by DEP. For example, under Work Performed During This Quarter, the Gowanus and Flushing grant applications were posted to DEP website 12/11/09, and under Anticipated Activities For Next quarter, the pre-proposal meeting for Gowanus and Flushing was held 1/19/10 and proposals are due 2/26/10.

11. Section 4.0, Compliance Status:

- Page 4-1, Table 19: Alley Creek LTCP is due 4/29/2010.
- Page 4-4, Table 19, Paerdegat: add dredging NTP and end dates.

12. Section 7.0

- Page 7-1: Item 4 is resolved; Item 5 is not resolved.