



DEC Case# CO2-20110512-25, Modification to CO2-20000107-8

CSO Order on Consent  
**Quarterly Progress Report**  
**Fourth Quarter 2022**  
(October 1st – December 31st)

**January 31, 2023**

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# 1. Executive Summary

*The City of New York (the “City”), the New York City Department of Environmental Protection (DEP), and the New York State Department of Environmental Conservation (DEC) entered into the Combined Sewer Overflow Order on Consent (DEC Case # CO2-20000107-8) on January 14, 2005, which has been modified several times since 2005 including, April 14, 2008, September 3, 2009, March 8, 2012, and March 26, 2015 (collectively, the “CSO Order”). Pursuant to the CSO Order, the City is required to submit quarterly status reports to DEC (“Quarterly Reports”) describing actions taken toward achieving compliance with the CSO Order during the prior three-month period.*

This Quarterly Report summarizes DEP’s actions and activities toward complying with the CSO Order’s milestones between **October 1, 2022** and **December 31, 2022**. DEP continued to make progress in the planning, design, and construction of its CSO facilities during this quarter, as documented in this report. As required by the CSO Order, DEP and DEC held a Quarterly Progress Meeting on **December 21, 2022** for the **third** quarter of **2022** and is scheduled to hold a Quarterly Progress Meeting on **March 8, 2023** to discuss issues related to the Order and review milestones met during the **fourth** quarter of 2022.

## Reportable Activity This Quarter

Date	Location	Event Description
10/5/2022	Flushing Bay	Complete - 25MG CSO Tunnel Initiate Design Milestone
10/7/2022	Flushing Bay	Complete - Flushing Creek Final Design Milestone
11/30/2022	Flushing Bay	Submitted an updated Flushing Interceptor 2022 survey results
12/23/2022	Flushing Bay	Submitted BODR for Bowery Bay WRRF Digester Replacement
10/3/2022	Green Infrastructure 4%	Extended informal negotiations and Article 78 timing from 9/30/2022 to 10/31/2022 per CSO Order Dispute Resolution provisions
10/31/2022	Green Infrastructure 4%	Extended informal negotiations from 10/31/2022 to 11/30/2022 per Article 78 proceeding

Date	Location	Event Description
12/1/2022	Green Infrastructure 4%	Extended informal negotiations and Article 78 timing from 11/30/2022 to 12/30/2022 per CSO Order Dispute Resolution provisions
12/23/2022	Green Infrastructure 4%	DEP requested extension of informal negotiations and Article 78 timing from 12/30/2022 to February 28, 2023 per CSO Order Dispute Resolution provisions
10/11/2022	Jamaica Bay	Submitted Supplemental CSO Long Term Control Plan and Responses to DEC Comments
11/17/2022	Jamaica Bay	Submitted BODR for Reconstruction of Tide Gates, Effluent Chambers at the Spring Creek CSO Facility
12/16/2022	Jamaica Bay	Submitted responses to DEC comments on Supplemental CSO LTCP
10/17/2022	Bronx River	Hydraulic relief/floatables HP-009 and HP-011 Final Design Milestone completion submitted
12/1/2022	Bronx River	Design Completion Milestone extended from 11/30/2022 to 1/30/2023
12/14/2022	Bronx River	Floatables control at HP-011 Final Design Milestone complete
12/15/2022	Bronx River	DEC provided comments on hydraulic relief for HP-009 final design
12/5/2022	Alley Creek	Submitted CSO Wetlands Monitoring Review and the Oakland Ravine/Lake Storm Water Diversion Technical Feasibility SOW
10/5/2022	Newtown Creek	Complete - 62.5% Storage Tunnel Initiate Final Design Milestone

### Milestone Actions This Quarter (October 1 – December 31, 2022)

Location	Item Description	Milestone Date	Action	Status
Flushing Bay	Rehabilitation of the Bowery Bay Primary Settling Tanks	12/31/22	Submit BODR	Complete
Flushing Bay	Construction of New Anaerobic Digesters	12/31/22	Submit BODR	Complete
Flushing Bay	Ulmer Steet Interceptor Survey	12/31/22	Submit Survey	Complete
Jamaica Bay	Installation of Sluice Gates at Spring Creek CSO RTF	11/17/2022	Submit Report	Complete
Alley Creek	Submit Oakland Lake SW Diversion Feasibility Study	11/30/2022	Submit Report	Complete

Alley Creek	Submit literature review of Wetlands	11/30/2022	Submit Review	Complete
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### Milestone Actions Next Quarter (January 1 – March 31, 2023)

Location	Item Description	Milestone Date	Action Required	Status
None				

### Pending Modification Requests (MR) and Open Force Majeure Event Claims (FM)

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
Alley Creek LTCP	Alley Creek CSO Retention Facility Disinfection System	Design Completion Milestone modification	To evaluate and identify an appropriate alternative to disinfection	Design Completion March 2022	DEP and DEC are in discussions concerning DEP's amended modification request and proposed alternatives.
Bronx River	Conveyance Improvements	DEP submitted a modification request on October 30, 2020 to eliminate a portion of the design scope of work and DEC responded on 12/4/2020 requesting additional data.	During design DEP determined that the HP-007 element of the proposed project would result in only minor CSO reductions.	Design Completion: 9/30/2022 for HP-009 and HP-011  A modification request was submitted for the HP-007 milestone date to 01/30/2023	DEP and DEC are in discussions concerning DEP's modification request to eliminate HP-007 element of the project. <b>On January 23, 2023, DEP and DEC had a technical meeting to review updated modeling results associated with this modification request.</b>
Hutchinson River	Disinfection Project	DEP submitted a modification request on 3/16/2021 to	DEP has identified some concerns about complexities of operating an	Design Completion: 9/30/2022	DEP presented findings to DEC on 6/8/2022 to support DEP's modification request and is

		eliminate disinfection and replace it with a 2.8 MG Storage Conduit and DEP responded on 4/6/2021 requesting additional information.	interim CSO disinfection system at this location and believes a storage alternative will be more cost effective.		preparing a written response to DEC. DEP anticipates that a modification to the milestone schedule will be needed as supported by the BODR and further revisions in the schedule based on design progress. DEP submitted a modification request 8/1/2022.
Flushing Creek	Disinfection and floatables control project	Split the approved Flushing Creek LTCP project for floatables control and disinfection into 2 separate projects and set of milestones	DEP has identified three properties that DEP must acquire prior to completion of design for the disinfection facilities to accommodate both disinfection and dechlorination at the Flushing Bay CSO Retention Facility.	Design Completion: 9/30/2022	Design for the floatables control portion of the project is complete. DEP submitted a modification request on 7/29/22 requesting to split the two elements of the project and for a modified milestone schedule.
<b>GI 4% Contingency Planning</b>	<b>Informal negotiations regarding GI 4% Contingency Plan</b>			<b>12/30/2022</b>	<b>Ongoing</b>



## 2. Construction Contracts

*The CSO 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 identifies, by percentage, the estimated amount of construction that has been performed on projects that are in progress.*

Location	Item Description	Notice to Proceed	Construction Completion Milestone	Actual/Projected Completion	% of Time Elapsed	% of Construction Completed <sup>(1)</sup>
Jamaica Bay Tributaries	Bergen Basin 18" Sanitary Sewer	Jan 2019	Oct 2021	Sept 2020	78%	100%
Jamaica Bay	26 <sup>th</sup> Ward HLSS Phase 1	Mar 2016	Dec 2018	Dec 2018	100%	100%
	26 <sup>th</sup> Ward HLSS Phase 2A	Sept 2017	Dec 2021	Jan 2021	100%	100%
	26 <sup>th</sup> Ward HLSS Phase 2B	Sept 2017	Dec 2021	Dec 2021	100%	99%
Jamaica Bay	26 <sup>th</sup> Ward HLSS Phase 3	Mar 2020	Dec 2022	----	----	----
	26 <sup>th</sup> Ward PSTs 1-5	Jan 2016	Jan 6, 2022	Oct 2021	100%	92%

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



### 3. Alley Creek CSO

#### Alley Creek LTCP, Alley Creek CSO Retention Facility Disinfection System, Approved on March 7, 2017

Design is on hold while DEP evaluates alternatives to disinfection based on additional facility planning for the disinfection facility. DEP submitted an amended modification request April 14, 2022 and is in discussions with DEC concerning that modification request and evaluation and identification of an appropriate alternative to disinfection.

#### Alley Creek CSO Schedule, CSO-AC-DF-DES

Alley Creek CSO	DEC Approved Milestones <sup>(1)</sup>	Status
1. Initiate Final Design	Sept 2018	Certified by DEP Oct 2, 2017
2. Design Completion	<del>Sept 2024<sup>(4)</sup></del> Mar 2022 <sup>(1)</sup>	BODR Completed, 10% Design TBD pending discussions with DEC on DEP's modification request.
3. Notice to Proceed to Construction	Sept 2022 <sup>(1)</sup>	TBD Pending Design Completion
4. Construction Completion	Sept 2024 <sup>(1)</sup>	TBD Pending Design Completion

<sup>(1)</sup> Milestone dates may be subject to revision by DEC based on additional facility planning.





## 4. Inner Harbor CSO

### **Gowanus Canal CSO LTCP Approved on March 29, 2017**

- February 27, 2015 - DEP certified construction completion of the Flushing Tunnel Modernization and Pump Station Reconstruction as of December 24, 2014 and June 20, 2014 respectively.
- April 13, 2015 – DEC accepted DEP’s certification of construction completion in accordance with the CSO Order.
- DEP continues to operate the Flushing Tunnel in accordance with its operational plan.
- DEP completed a project to mitigate foam from the Gowanus Canal Flushing tunnel as of January 3, 2020.



# 5. Flushing Bay CSO

The Flushing Bay CSO Facility Planning area includes the portions of the Tallman Island WRRF and the High Level Interceptor of the Bowery Bay WRRF drainage areas, associated sewers, and pumping stations that discharge to Flushing Bay and Flushing Creek in Queens.

## Construction Contracts

	Tallman Island Flushing Interceptor	Divert Low-Lying Sewers / Raise Weir BB-R02	Regulator Modifications	Environmental Dredging
<i>Contract ID</i>	TBD	CS-FB-LLD	CS-FB-BWR	CSO-DRDG DRG-FB
<b>Plan Elements</b>	Monitor Flushing Interceptor sag in Ulmer Street and address if periodic monitoring indicates necessity	Divert Low Lying sewers in vicinity of Bowery Bay WRRF. Raise weir at regulator BB-02	Bowery Bay High Level Interceptor regulator modifications at ten regulators	Environmental Dredging of Flushing Bay
<b>Location</b>	From MH 45 at Whitestone Expressway to MH 29 at Ulmer Street and 25 <sup>th</sup> Avenue	Regulator BB-02. Berrian Blvd and 19 <sup>th</sup> Ave between 43 <sup>rd</sup> St. and 45 <sup>th</sup> St.	Five of ten regulators along 108 <sup>th</sup> street, Ditmars Blvd and the LaGuardia Airport site	Proximate to CSO Outfalls BB-006 and BB-008
<b>Construction Cost</b>	TBD	\$5,610,000	\$28,959,345	\$37,560,000
<b>Status</b>	Survey performed 8/8-19/2022. DEC witnessed survey on 8/8/2022. <b>DEP submitted survey results on 11/30/2022</b>	Certified Complete on 9/11/2017	Certified Complete on 6/8/2018	Completed on 8/16/18.

## Design Activity Summary

	This Quarter	Next Quarter
Divert Low-Lying Sewers / Raise Weir BB-R02	<ul style="list-style-type: none"> <li>Complete</li> </ul>	
Regulator Modifications	<ul style="list-style-type: none"> <li>Complete</li> </ul>	

## Construction Activity Summary

	This Quarter	Next Quarter
Divert Low-Lying Sewers / Raise Weir BB-R02	<ul style="list-style-type: none"> <li>Certified completion on 9/11/2017</li> </ul>	
Regulator Modifications	<ul style="list-style-type: none"> <li>Certified completion on 6/8/2018</li> </ul>	
Environmental Dredging	<ul style="list-style-type: none"> <li>Certified completion on 8/16/2018. Finished 2-year maintenance period</li> <li>DEC accepted Certificate of Construction Completion on 10/29/2018</li> </ul>	

## Flushing Bay LTCP, Flushing Bay 25 MG CSO Storage Tunnel, Approved on March 7, 2017

### Flushing Bay CSO Schedule, CSO-FB-TUN

Flushing Bay CSO	DEC Approved Milestones	Status
1. Initiate Design	Jul-2024 7/31/2022	Order Modification in effect 9/2/2022 <b>(Complete)</b>
2. Submit Approvable Engineering Design Report	12/31/2023	12/31/2023
3. Submit Rikers Island Feasibility Study	12/31/2023	12/31/2023
4. Submit Decision Matrix for use of Rikers Island for construction of new WRRF	12/31/2023	12/31/2023
5. Provide final decision for use of Rikers Island for construction of new WRRF	12/31/2024	12/31/2024

2. Design Completion	Jun 2025 <sup>(1)</sup>	TBD Pending Design Start
3. Notice to Proceed to Construction	Jul 2026 <sup>(1)</sup>	TBD Pending Design Completion
4. Construction Completion	June 2035 <sup>(1)</sup>	TBD Pending Design Completion

<sup>(1)</sup> Milestone dates may be subject to revision by DEC based on additional facility planning and Engineering Design Report.

## Appendix C: State of Good Repair Projects, Approved on September 22, 2022

### State of Good Repair Project Schedule

Project	DEC Approved Milestones	Status
A. Reconstruction of Primary Settling Tanks at Bowery Bay WRRF	12/2022	12/2022
1. Submit Approvable BODR	TBD	TBD
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
B. Replacement of Existing Emergency Generators at Bowery Bay WRRF	12/2026	12/2026
1. Submit Approvable BODR	TBD	TBD
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
C. Replacement of Digesters at Hunts Point WRRF	12/2022	12/2022
1. Submit Approvable BODR	TBD	TBD
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
D. Reconstruction of Sludge Handling Equipment at Hunts Point WRRF	12/2025	12/2025
1. Submit Approvable BODR	TBD	TBD
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
E. Reconstruction of Primary Settling Tanks at North River WRRF	12/2023	12/2023
1. Submit Approvable BODR	TBD	TBD
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
F. Rehabilitation of North River WRRF Influent and Effluent Gates and Bar Screens	12/2027	12/2027
1. Submit Approvable BODR	TBD	TBD

2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion		

**Flushing Creek LTCP, TI-010 Outfall Disinfection at CSO Retention Tank and Diversion Chamber 5, TI-011 Outfall Disinfection, Floatables Control at TI-R09 and Division Chamber 3, Approved on March 7, 2017**

**Flushing Creek CSO Schedule, CSO-FC-FB-DES**

<b>Flushing Creek CSO</b>	<b>DEC Approved Milestones (1)</b>	<b>Status</b>
1. Initiate Final Design	Dec 2018	Certified by DEP on Feb 8, 2019
2. Design Completion	Sept 2022	Modification request submitted proposing to break project into two (2) separate projects with modified milestone schedule for disinfection. Under DEC review. Floatables control certified complete.
3. Notice to Proceed to Construction	Sept 2023	TBD Pending Design Completion
4. Construction Completion	Dec 2025	TBD Pending Design Completion

<sup>(1)</sup> Milestone dates may be subject to revision by DEC based on additional facility planning.

## 6. Jamaica Tributaries CSO

*The Jamaica Tributaries CSO Facility Planning area includes the drainage area of the Jamaica WRRF and its associated sewers and pumping stations. The receiving waters of the study area are Bergen, Thurston, Shellbank, and Hawtree Basins, which are located along the eastern shore of Jamaica Bay on either side of JFK International Airport.*

### Construction Contracts

	Parallel 48-inch Siphon / Interceptor	Bending Weirs	Bergen Basin 18" Sewer
<i>Contract ID</i>	CS-JA-BBS	CS-JA-BWR	SEQ002714
<i>Plan Elements</i>	Parallel 48-inch Sewer	Bending Weirs	18-inch Sanitary Sewer
<i>Location</i>	Belt Parkway Queens	Regulator J6 on the East Interceptor and regulators J3 and J14 on the West Interceptor	150 <sup>th</sup> Ave between 126 and 129 Streets
<i>Construction Cost</i>	\$20,256,909	\$6,853,955	\$4,990,000
<i>Status</i>	Completed	Completed	Completed
<i>Other Issues</i>			

### Design Activity Summary

	This Quarter	Next Quarter
Parallel 48-inch Siphon/Interceptor	<ul style="list-style-type: none"> <li>NA- Complete</li> </ul>	
Bergen Basin 18" Sewer	<ul style="list-style-type: none"> <li>NA- Complete</li> </ul>	

### Construction Activity Summary

This Quarter	Next Quarter
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<b>Parallel 48-inch Siphon/Interceptor</b>	<ul style="list-style-type: none"><li>• Complete as of 2/28/17</li></ul>
<b>18-inch Sanitary Sewer in 150<sup>th</sup> Avenue</b>	<ul style="list-style-type: none"><li>• Complete as of 7/6/20</li></ul>



# 7. Newtown Creek CSO

The Newtown Creek CSO Facility Planning area includes the portions of the Newtown Creek WRRF and the Low Level Interceptor of the Bowery Bay WRRF drainage areas that discharge to Newtown Creek, English Kills, Dutch Kills, Whale Creek, Maspeth Creek and the East Branch along the Brooklyn-Queens border.

## Construction Contracts

	Enhanced Aeration 2	Bending Weirs / Floatables Control
<b>Contract ID</b>	CSO-NC-3	CS-NC-REG & FLO
<b>Plan Elements</b>	Enhanced Aeration	Floatable Controls and Overflow Reduction
<b>Location</b>	East Branch and Upper Newtown Creek	Dutch Kills, Maspeth Creek, English Kills and East Branch
<b>Construction Cost</b>	\$16,704,250 (G+E+H Contract amounts together)	\$43,763,292
<b>Status</b>	Certified Complete – 6/9/18	Certified Complete – 11/22/2017
<b>Other Issues</b>		

## Design Activity Summary

	This Quarter	Next Quarter
Enhanced Aeration 2	<ul style="list-style-type: none"> <li>NA - Complete</li> </ul>	
Bending Weirs / Floatables Control	<ul style="list-style-type: none"> <li>NA - Complete</li> </ul>	



## Construction Activity Summary

	This Quarter	Next Quarter
Enhanced Aeration 2	• Complete	
Bending Weirs / Floatables Control	• Post Construction Monitoring Completed 8/19/2019	

## Newtown Creek LTCP, Borden Avenue Pump Station Expansion, 62.5% CSO Storage Tunnel, Approved on June 27, 2018

### Newtown Creek CSO Schedule

Borden Ave Pumping Station Expansion	DEC Approved Milestones <sup>(1)</sup>	Status
1. Initiate Final Design	Jul 2021	Complete 7/29/2021
2. Design Completion	Dec 2024	Design In Progress
3. Notice to Proceed to Construction	Sept 2025	TBD Pending Design Completion
4. Construction Completion	Sep 2029	TBD Pending Design Completion

(1) Milestone dates may be subject to revision by DEC based on additional facility planning

CSO Storage Tunnel	DEC Approved Milestones <sup>(1)</sup>	Status
1. Initiate Final Design	Aug 2022	Date revised in Flushing Bay CSO Order modification effective 9/2/2022. DEP certified completion 8/30/22 design start CSO-NC-DES
2. Design Completion	Dec 2028	TBD Pending Design Progress
3. Notice to Proceed to Construction	Dec 2029	TBD Pending Design Completion
4. Construction Completion	Dec 2040	TBD Pending Design Completion

(1) Milestone dates may be subject to revision by DEC based on additional facility planning



## 8. Westchester Creek CSO

The Westchester Creek CSO Facility Planning area includes a portion of the Hunts Point WRRF drainage area, its associated sewers, and pumping stations that discharge to Westchester Creek and Pugsley Creek in the Bronx.

### Construction Contracts

	Modifications to CSO-29 and CSO-29A	Pugsley Creek Parallel Interceptor Start from CSO-24
<b>Contract ID</b>	CS-ER-WCM	CS-ER-WCP
<b>Plan Elements</b>	Improve flow control structures in sewers to convey more flow to the Hunts Point WRRF	Reduce CSO discharges to Pugsley Creek, which would otherwise <i>increase</i> because of the conveyance improvements at Eastchester Road
<b>Location</b>	Eastchester Road, Bronx	Classon Point, Bronx
<b>Construction Cost</b>	\$18.9 Million	\$85.1 Million
<b>Status</b>	Completed	Completed
<b>Other Issues</b>		

### Design Activity Summary

	This Quarter	Next Quarter
Modifications to CSO-29 and CSO-29A	<ul style="list-style-type: none"> <li>Completed</li> </ul>	
Pugsley Creek Parallel Interceptor Start from CSO-24	<ul style="list-style-type: none"> <li>Completed</li> </ul>	

# Construction Activity Summary

	This Quarter	Next Quarter
<b>Modifications to CSO-29 and CSO-29A</b>	<ul style="list-style-type: none"><li>• Completed</li></ul>	
Pugsley Creek Parallel Interceptor Start from CSO-24	<ul style="list-style-type: none"><li>• Completed</li></ul>	



# 9. Bronx River CSO

**Bronx River LTCP, Bronx River Hydraulic Relief at HP-007 and HP-009, Bending Weir and Baffle at HP-011, Approved on March 7, 2017**

## Bronx River CSO Schedule, CSO-BXR-DES

Bronx River CSO	DEC Approved Milestones (1)	Status <sup>(2)</sup>
1. Initiate Final Design	Sept 2018	Design Initiated 8/27/2018
2. Design Completion	Sept 2022	DEP submitted modifications to design scope on 10/30/2020 and milestone modification request - Under DEC review. <b>Certified design completion for HP-009 and HP-011.</b>
3. Notice to Proceed to Construction	Sept 2023	TBD Pending Design Completion
4. Construction Completion	Sept 2026	TBD Pending Design Completion

(1) Milestone dates may be subject to revision by DEC based on additional facility planning.

(2) Pending modification request to eliminate a portion of the approved scope of work.



# 10. Hutchinson River CSO

**Hutchinson River LTCP, CSO Outfall HP-024 Extension and Floatables Control Facilities, CSO Outfall HP-024 Extension Disinfection, Approved on March 7, 2017**

## Hutchinson River CSO Schedule, CSO-HR-DF-DES

Hutchinson River CSO	DEC Approved Milestones <sup>(1)</sup>	Status <sup>(2)</sup>
1. Initiate Final Design, Extension and Floatables Control	Sept 2018	Design Initiated, 8/15/2018
2. Design Completion	Sept 2022	DEP submitted modifications to design scope on 3/16/21 and milestone modification request 8/2022- Under DEC review
3. Notice to Proceed to Construction	Sept 2023	TBD Pending Design Completion
4. Construction Completion	Mar 2026	TBD Pending Design Completion
1. Initiate Final Design, Extension Disinfection	Sept 2022	Design Initiated, 8/15/2018
2. Design Completion	Mar 2026	DEP submitted modifications to design scope on 3/16/21 and milestone modification request 8/2022 - under DEC review
3. Notice to Proceed to Construction	Mar 2027	TBD Pending Design Completion
4. Construction Completion	Mar 2030	TBD Pending Design Completion

<sup>(1)</sup> Milestone dates may be subject to revision by DEC based on additional facility planning.

<sup>(2)</sup> Pending modification request to eliminate disinfection and construct storage conduit. Currently the CSO Order has two distinct projects, but it is being designed and will be constructed pursuant to one contract.



# 11. Jamaica Bay CSO

*The Jamaica Bay CSO Facility Planning area includes the drainage areas of the 26<sup>th</sup> Ward, Coney Island, and Rockaway WRRFs and their associated sewers and pumping stations. The receiving waters of the study area include Fresh Creek, Hendrix Creek, Spring Creek, and the open waters of Jamaica Bay.*

## Rockaway WRRF - Consent Order Modification Compliance Schedule

### Order Modification was effective May 25, 2021

Note: DEP received the executed Order on June 23, 2021.

Jamaica Bay CSO	DEC Approved Milestones	Status
1. DEP shall send a letter to DEC requesting the removal of outfalls	June 24, 2021	Submitted July 16, 2021
2. DEP submit an inspection report documenting inspections conducted of the outfalls and diversion and regulator/tide gate chambers	November 21, 2021	Submitted November 19, 2021
3. Complete an inflow and infiltration study (2020 Rockaway I&I) and submit the results of the study to DEC (I&I Report)	May 25, 2025	Due 4 years from effective date of the Order
4. Evaluate the maximum amount of flow that can be processed through full treatment at the WRRF. Submit an updated Wet Weather Operating Plan (WWOP)	May 25, 2024	Due 3 years from effective date of the Order
5. Submit permit modification request to remove/redesignate as an MS4 outfall currently SPDES-designated CSO outfalls ROC-009, ROC-013, ROC-014, ROC-032, and ROC-033	Due 90 days from approval of Inspection Report	Incorporated into proposed modified SPDES permit-
6. Permanently seal tide gate chambers connected to active stormwater outfalls as identified in the Inspection Report	May 25, 2024	<b>Completed 11/23/2022 and inspection checklist sent to DEC on 12/14/2022</b>

## Construction Contracts

	26 <sup>th</sup> Ward High Level Sewer Separation	26 <sup>th</sup> Ward Wet Weather Stabilization
<b>Contract ID</b>	CS-FC-SEW	26W-12(CO 128) 26W-21, 26W-20
<b>Plan Elements</b>	Remove storm water contribution from 285 acres from the combined sewer system	Low Level MSPs High Level MSPs PST#5 PST1-4 Stabilization
<b>Location</b>	Fresh Creek, Brooklyn	26 <sup>th</sup> Ward WWTP, Brooklyn
<b>Construction Cost</b>	\$58 million for Phase 1A; \$90.6 million for Phases 2A and 2B; 235.5 million for Phases 3A and 3B (estimated)	LLMSP \$7.6 million 26W-21 \$17.3 million 26W-20 <b>\$155.8 million</b>
<b>Status</b>	Phase 1A construction completed, with variance from approved design <b>Phase 2 construction is complete.</b> <b>Phase 3 deleted from the Order on July 19, 2021.</b>	Completed (LLMSPs) Completed (26W-21) In Construction (26W-20)
<b>Other Issues</b>	<b>Completed Phase 2</b> <b>Phase 3 removed from Consent Order</b>	

## Design Activity Summary

	This Quarter	Next Quarter
26 <sup>th</sup> Ward High Level Sewer Separation	<ul style="list-style-type: none"> <li>Design for Phase 2 – Complete</li> <li>Design of Phase 3 is cancelled following DEC acknowledgement of project Cancellation on 07/19/2021</li> </ul>	
26 <sup>th</sup> Ward Preliminary Treatment Reliability Improvements	<ul style="list-style-type: none"> <li>Complete</li> </ul>	

# Construction Activity Summary

	This Quarter	Next Quarter
26 <sup>th</sup> Ward High Level Sewer Separation	<ul style="list-style-type: none"> <li>• <u>Phase 2A (SE853)</u> <ul style="list-style-type: none"> <li>• Certified Construction Completion on December 6, 2021</li> </ul> </li> <li>• <u>Phase 2B (SE855)</u> <ul style="list-style-type: none"> <li>• Certified Construction Completion on December 6, 2021</li> </ul> </li> </ul>	
26 <sup>th</sup> Ward Preliminary Treatment Reliability Improvements	<p><u>PST work (26W-20):</u></p> <ul style="list-style-type: none"> <li>• Milestone certified completed 10/27/2021</li> </ul>	





# 12. Wards Island WRRF Headworks Wet Weather Improvements

The Wards Island WRRF Headworks Wet Weather Improvements consist of work done at the WRRF to increase its wet weather handling capacity. The projects described in this section 3.7 were added to the 2012 CSO Order through a modification effective March 26, 2015 (DEC Case No. CO2-20140314-01).

## Construction Contracts

	MSP Reconstruction	Bar Screen Replacement
<b>Contract ID</b>	WI - 288(R)	WI - 280
<b>Plan Elements</b>	Reconstruction of Six (6) MSPs	Replace Bar Screens at Bronx and Manhattan Grit Chambers
<b>Location</b>	Wards Island WRRF	Wards Island WRRF
<b>Status</b>	Completed	Completed
<b>Construction Cost</b>	\$5,292,653	\$13,715,000
<b>Other Issues</b>	None	None

## Design Activity Summary

	This Quarter	Next Quarter
MSP Replacement	<ul style="list-style-type: none"> <li>Complete</li> </ul>	
Bar Screen Replacement	<ul style="list-style-type: none"> <li>Complete</li> </ul>	

## Construction Activity Summary

	This Quarter	Next Quarter
MSP Replacement	<ul style="list-style-type: none"> <li>Completed reconstruction of the 6<sup>th</sup> MSP (MSP#3 on July 24, 2019)</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>



## 13. Environmental Benefit Projects

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*DEP has undertaken these projects in connection with the settlement of a New York State and DEC enforcement action. The Environmental Benefit Projects (EBPs) are funded by DEP and designed to abate CSOs and/or address wet weather water quality impacts from CSOs and to benefit the waters in and around New York City.*

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The 2008 modifications to the CSO Consent Order require not less than \$4 million worth of DEP-funded Environmental Benefit Projects (EBPs) designed to abate CSOs and/or address wet weather water quality impacts from CSOs and to benefit the waters in and around New York City. In addition to the EBPs, the 2012 Order requires that \$2 million in EBP funding be allocated toward the Hutchinson River and Newtown Creek Neighborhood Demonstration Areas. That funding commitment was met and the Demonstration Area projects are now complete.

DEP completed monitoring for all six EBPs and has disbursed all payments to the EBP grantees. In November 2020, DEP submitted all close-out materials for the EBPs to DEC. On December 1, 2020, DEC confirmed receipt of the close-out materials. On December 14, 2020, the final grantee payment was received.



# 14. Green Infrastructure Program

*The 2012 CSO Consent Order sets forth schedule and stormwater capture targets and other requirements for the program to reduce CSO volume through the use of green infrastructure.*

## Program Implementation

DEP has identified Priority Areas based on several criteria, such as annual CSO volume, frequency of CSO events, and projected benefits of projects constructed through DEP's Waterbody/Watershed Facility Plans or other system improvements planned. DEP also notes outfalls in close proximity to existing and future public access locations. DEP continues to review and expand the Priority Areas to ensure sufficient green infrastructure implementation to meet the 2030 goal set forth in the Order.

The identification of Priority Areas has enabled DEP to focus resources on specific CSO tributary areas, to analyze all potential opportunities, to saturate these areas with green infrastructure as much as possible, and to achieve efficiencies in design and construction.

DEP has initially focused primarily on the Area-wide right-of-way contracts building curbside rain gardens, infiltration basins, Stormwater Greenstreets, and porous paving. DEP's standardized designs and procedures have been critical to supporting the systematic implementation of green infrastructure at a wide scale. DEP expects to continue green infrastructure implementation using an expanded array of tools. While right-of-way implementation has been the greatest focus of the first decade of the Program, DEP is making significant advancements into other implementation areas as well,



**Curbside Rain Garden (Bioswale)**



**Stormwater Greenstreet**

expanding public on-site retrofits on schools, parks and housing properties, advancing new stormwater regulations, exploring daylighting opportunities in the Bronx, and implementing stormwater recovery and reuse projects.

During the **Fourth Quarter of 2022**, planning, design and construction work continued in several Green Infrastructure (GI) Program initiatives and are generally summarized below.

- ROW - Ongoing Area-wide GI contracts to design and build thousands of curbside rain gardens, infiltration basins, stormwater greenstreets, and porous pavements in NYC's streets and sidewalks. Design and construction contracts are being implemented in multiple phases.
- Public Property Retrofits - Ongoing siting, design and construction of public property retrofits in coordination with City agency and non-profit partners.
- Green Infrastructure Grant Program - Ongoing design and construction of GI Grant Program projects on private property.
- Private Incentives Retrofit Program - Branded as Resilient NYC Partners, program seeks to implement green infrastructure on private property to manage 200 greened acres over five years. Property owner engagement is ongoing.
- Large-scale Street Medians - Ongoing siting and design by DEP's in-house green infrastructure design team, which focuses on large-volume capture opportunities within public medians with the added benefit of localized flooding alleviation; construction is also ongoing.
- Stormwater Reduction & Reuse – Ongoing design for Central Park and Prospect Park stormwater reuse projects that reduce potable demand and CSOs
- Tibbetts Brook and Van Cortlandt Lake Park Improvements – Ongoing design for Tibbetts Brook daylighting project, anticipated to be the Program's largest green infrastructure project to-date providing significant CSO reduction and community benefits

Unified Stormwater Rule – amendments to Chapters 31 and 19.1 of Title 15 of the Rules of the City of New York (RCNY)



Playground Retrofit



Porous Pavement – Queens College  
Green Infrastructure Grant Program

and New York City Stormwater manual published as effective on February 15, 2022.

## Status of Constructed Green Infrastructure Assets and Greened Acres

Watershed	Total Green Infrastructure Assets	Total ROW Linear Feet Porous Pavement	Total Greened Acres
Alley Creek	4	-	1
Bronx River	428	-	130
Coney Island Creek	55	-	13
East River / Open Waters	1,486	-	539
Flushing Bay	814	6,145	99
Flushing Creek	2,071	-	264
Gowanus Canal	142	-	27
Hutchinson River	209	5,402	33
Jamaica Bay & Tributaries	4,599	3,544	770
Newtown Creek	1,515	2,349	189
Westchester Creek	230	-	30
<b>Total</b>	<b>11,553</b>	<b>17,440</b>	<b>2,094</b>

## Status of 1.5% Green Infrastructure Application Rate<sup>1</sup>

On December 30, 2021 DEP submitted the Green Infrastructure 1.5% Application Rate Certification to DEC. The table below lists the constructed assets and corresponding greened acres and CSO volume reduction to meet the 1.5% application rate of 1,181 greened acres and 507 MGY pursuant to the Order and set forth in the Contingency Plan

Waterbody	Outfalls	Greened Acres (ac-in)	Annual CSO Volume Reduction (MGY)
Bronx River	HP-004	11.9	5.1
	HP-007	52.1	22.3
	HP-008	3.4	1.4
	HP-009	1.8	0.8
Flushing Bay	BB-006	29.8	12.8
	BB-008	22.3	9.6
Flushing Creek	TI-010	185.9	79.8
	TI-011	19.6	8.4
	TI-022	5.8	2.5
Gowanus Canal	OH-005	0.1	0.0
	OH-007	3.1	1.3
	RH-034	3.7	1.6
Hutchinson River	HP-023	2.3	1.0
	HP-024	8.7	3.7
Jamaica Bay and Tributaries	26W-003	91.1	39.1
	26W-004	44.2	19.0

<sup>1</sup> The information in the above Table is correct as of October 25, 2021.

	26W-005	322.7	138.5
	CI-004	0.1	0.0
	JAM-003	130.4	55.9
	JAM-003a	15.6	6.7
	JAM-005	18.3	7.8
	JAM-006	0.1	0.0
Newtown Creek	BB-009	16.3	7.0
	BB-013	0.2	0.1
	BB-026	15.1	6.5
	NCB-015	67.4	28.9
	NCB-083	0.2	0.1
	NCQ-029	2.4	1.0
	NCQ-077	25.8	11.1
Westchester Creek	HP-012	1.0	0.4
	HP-014	10.0	4.3
	HP-015	0.1	0.0
	HP-016	1.6	0.7
	HP-033	5.2	2.2
Total Waterbody		1118.2	479.7
East River / Open Waters	HP-002	2.6	1.1
	NCB-013	0.7	0.3
	NCB-014	66.3	28.5
	NCB-027	0.3	0.1

	NCM-052	0.1	0.0
	RH-005	4.2	1.8
	WIM-012	0.1	0.0
<b>Total</b>		<b>1192.4</b>	<b>511.6</b>

Notes: Summary table provided for informational purposes; greened acres and annual CSO volume reduction exceeding the 1.5% application rate milestone will be applied toward the 4% application rate milestone

## Status of Green Infrastructure 4% Contingency Plan Projects

DEP submitted a Contingency Plan for the 4% Green Infrastructure milestone on June 30, 2021 (4% Contingency Plan). DEC conditionally approved the 4% Contingency Plan on August 23, 2021 (DEC Determination). DEP is reviewing the DEC Determination. The table below provides the status of the projects included in the 4% Contingency Plan.

Priority Waterbody	Project	Current Status	Anticipated Construction Completion Date
EROW	OH-015 Areawide ROW – Phase 1	<b>Design initiated</b>	December 31, 2025
EROW	OH-015 Areawide ROW – Phase 3	<b>Design initiated</b>	December 31, 2025
EROW	TI-03/23 Areawide ROW	<b>In construction</b>	December 31, 2025
Jamaica Bay	CI-005 Areawide ROW – Phase 1	<b>In construction</b>	December 31, 2025
Coney Island Creek, EROW, Gowanus, Jamaica Bay	Expanded Public Onsite – GI-CONS-01	<b>NTP</b>	December 31, 2025
Alley Creek, EROW, Gowanus, Jamaica Bay	Expanded Public Onsite – GI-CONS-02	<b>Bid</b>	December 31, 2025
Various	Private Incentives Retrofit Program – “Resilient NYC Partners” – Phase 1	Ongoing	December 31, 2025
EROW	Central Park Stormwater Recovery and Reuse	50% design	December 31, 2025
EROW	Prospect Park Stormwater Recovery and Reuse	50% design	December 31, 2025





# 15. Community Relations

*\*Public Participation Plan meeting photo taken prior to 3/2020, pre-COVID-19 distancing requirements.*

*DEP's Public Participation Plan was released to the public on **June 26, 2012** and describes the multi-pronged tools and activities DEP will utilize to inform and involve diverse stakeholders and the broader public throughout the LTCP process. The Plan provides a framework for communicating with and soliciting input from interested stakeholders on water quality and the challenges and opportunities for CSO controls.*

DEP will report quarterly to DEC on completed public participation activities outlined in the public participation plan as part of this and all future CSO Quarterly Reports. All updates to the Public Participation Plan implemented as a result of public comments received and quarterly reviews of public participation activities by DEC will be posted annually to DEP's website.

## LTCP and Green Infrastructure Education & Outreach Meetings

Outreach Meeting	Date	Outreach Type	No. of Attendees
Green Infrastructure Grant Program Fall Workshop	December 7, 2022	Virtual	137
Tibbetts Brook Advisory Group (TAG) Virtual Meeting	December 14, 2022	Virtual	

Updates on the LTCP Program including the submission of the Open Waters/Citywide LTCP are being shared with the public through the DEP website at [nyc.gov/dep/ltcp](http://nyc.gov/dep/ltcp).



# 16. Key DEP Personnel

*DEP Bureau and corresponding Portfolio Manager and Accountable Manager.*

Planning Area	Project	DEP Responsible Personnel		
		Bureau	PM	AM
<b>Alley Creek</b>	CSO-AC-DF-DES: Alley Creek CSO Disinfection	BEDC	Osit	-
<b>Flushing Bay</b>	CSO-FC-FB-DES: Flushing CSO Floatables Control	BEDC	Tysvaer	Harvey
	CSO-FC-DF-DES: Flushing CSO Disinfection Facility	BEDC	Tysvaer	Harvey
	CSO-FB-TUN: Flushing Bay CSO Storage Tunnel	BEDC	Osit	Liu
<b>Newtown Creek</b>	CSO-NC-4: Dutch Kills, Lower Newtown	BEDC	Tysvaer	Ekhlas
	CSO-NC-3: East Branch, Upper Newtown	BEDC	Tysvaer	Ekhlas
	CSO-NC-2: Enhanced Aeration Lower English Kills	BEDC	Tysvaer	Adabi
	CS-NC-REG&FLO: Regulators / Floatables Control	BEDC	Tysvaer	Ekhlas
<b>Bronx River</b>	CSO-BXR-DES: Bronx River LTCP	BEDC	Solimando	Sadat
<b>Hutchinson River</b>	CSO-HR-DF-DES: Hutchinson River Disinfection	BEDC	Tysvaer	Szeto
<b>Jamaica Bay</b>	CS-FB-SEW: 26th Ward / Fresh Creek HLSS	BWSO	Gordon	Proscia
	26W-20: 26th Ward Wet Weather Stabilization	BEDC	Solimando	Heim
	26W-21: 26th Ward High Level MSPs	BEDC	Solimando	Heim
<b>EBP</b>	Environmental Benefit Projects	BEPA	McLaughlin	Chen
<b>GI</b>	Green Infrastructure	BEPA	Enoch	Kocovic



# 17. Overview of LTCP Program

*The goal of each Long-Term Control Plan (LTCP) is to identify appropriate CSO controls necessary to achieve waterbody-specific quality standards, consistent with EPA's 1994 CSO Policy and subsequent guidance.*

## LTCP Milestones

	CSO Watershed	LTCP Milestone	Status
1	Alley Creek	June 2013	Approved 3/7/17
2	Westchester Creek	June 2014	Approved 8/1/17
3	Hutchinson River	September 2014	Approved 3/7/17
4	Flushing Creek	December 2014	Approved 3/7/17
5	Bronx River	June 2015	Approved 3/7/17
6	Gowanus Canal	June 2015	Approved 3/29/17
7	Coney Island Creek	June 2016	Approved 4/4/18
8	Flushing Bay	December 2016	Approved 3/7/17
9	Newtown Creek	June 2017	Approved 6/27/18
10	Jamaica Tributaries & Bay <sup>1</sup>	June 2018	DEC provided supplemental comments document 10/11/19
11	Citywide/Open Waters <sub>2</sub>	May 2020	DEC Review

- 1) Citywide/Open Waters include Harlem River, Hudson River, East River, and Upper and Lower New York Bay. Modification Request for extension of Citywide/Open Waters LTCP to December 31, 2018 approved by DEC on June 27, 2017.
- 2) Additional Modification Request for an extension of Citywide/Open Waters LTCP to May 30, 2020 approved by DEC on March 23, 2020.

# New York City CSO Watersheds





# 18. Status of LTCP Development

The status of all Long-Term Control Plan development is described below.  
 All Waterbody/Watershed Facility Plans (WWFPs) have been approved.

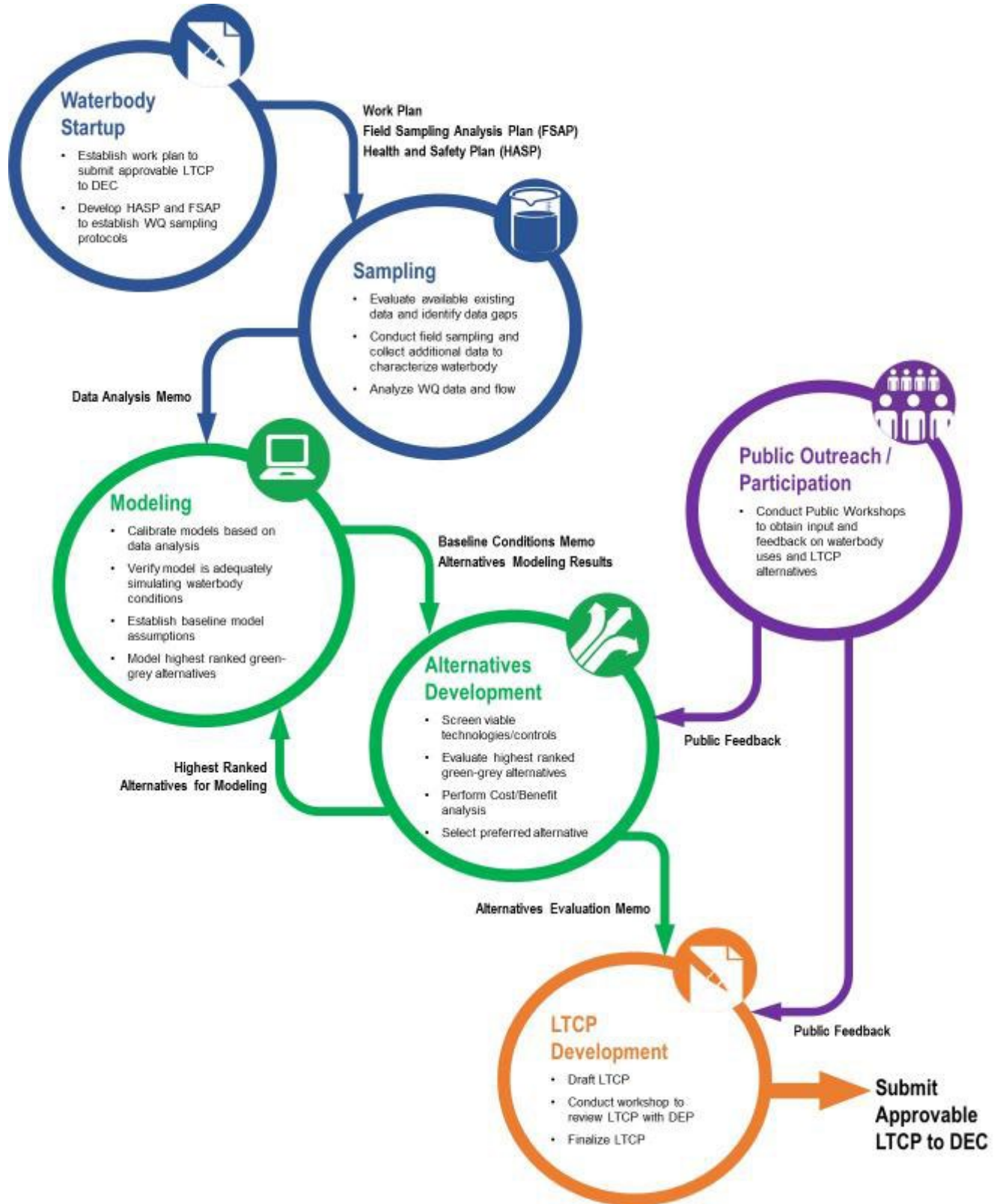
## LTCP Activity Status

CSO Watershed	Alley Creek <sup>1</sup>	Westchester Creek <sup>2</sup>	Hutchinson River <sup>3</sup>	Flushing Creek <sup>4</sup>	Bronx River <sup>5</sup>	Gowanus Canal <sup>6</sup>	Coney Island <sup>7</sup>	Flushing Bay <sup>8</sup>	Newtown Creek <sup>9</sup>	Jamaica Bay <sup>10</sup>	Citywide/ Open Waters
LTCP Due Date	June 2013	Jun 2014	Sept 2014	Dec 2014	Jun 2015	Jun 2015	Jun 2016	Dec 2016	Jun 2017	Jun 2018	May 2020
Waterbody Startup											
Sampling											
Modeling											
Alternatives Development											
LTCP Development											
Public Participation											
Approval Date	Mar 2017	Aug 2017	Mar 2017	Mar 2017	Mar 2017	Mar 2017	Apr 2018	Mar 2017	Jun 2018	Pending	Pending

**LEGEND:** = Completed = In Progress = Not Initiated

<sup>1</sup>Final Alley Creek LTCP previously submitted to DEC June 30, 2013. Received DEC Determination Letter in December 12, 2013. DEP filed Article 78 proceeding on February 21, 2014. LTCP resubmitted to DEC on June 30, 2014. DEC Comments Letter received January 23, 2015. Supplemental Documentation submitted May 6, 2015.  
<sup>2</sup>Final Westchester Creek LTCP submitted to DEC in June 30, 2014. DEC Comments Letter received September 22, 2014. Response Letter submitted November 24, 2014. Additional DEC Comments Letter received January 14, 2015. Response Letter and Supplemental Documentation submitted April 14, 2015. DEC Comment Letter received June 6, 2017. Response Letter submitted July 11, 2017.  
<sup>3</sup>Final Hutchinson River LTCP submitted to DEC in September 30, 2014. DEC Comments Letter received January 14, 2015. Supplemental Documentation submitted April 14, 2015.  
<sup>4</sup>Final Flushing Creek LTCP submitted to DEC in December 30, 2014. DEC Comments Letter received January 23, 2015. Supplemental Documentation submitted May 22, 2015.  
<sup>5</sup>Final Bronx River LTCP submitted to DEC in June 30, 2015. DEC Comments Letter received August 24, 2015. Supplemental Documentation submitted September 23, 2015.  
<sup>6</sup>Final Gowanus Canal LTCP submitted to DEC in June 30, 2015. DEC Comments Letter received August 5, 2015. Supplemental Documentation submitted September 8, 2015.  
<sup>7</sup>Final Coney Island Creek LTCP submitted to DEC in June 30, 2016. DEC Comments Letter received August 17, 2016. Response Letter submitted September 16, 2016. DEC Comments Letter received April 6, 2017. Response Letter submitted October 2, 2017. DEP issued letter to DEC on December 5, 2017 based on discussions during October 18, 2017 DEC/DEP Technical Meeting. DEC Comments Letter received December 8, 2017. DEP submitted response letter on February 2, 2018.  
<sup>8</sup>Final Flushing Bay LTCP submitted to DEC in December 31, 2016.  
<sup>9</sup>Final Newtown Creek LTCP submitted to DEC in June 30, 2017. DEC Comments Letter received November 4, 2017. DEP submitted response letter January 8, 2018.  
<sup>10</sup>Jamaica Bay and Tributaries LTCP submitted June 30, 2018. DEC Comment Letter dated December 21, 2018. Response Letter submitted March 1, 2019. Supplemental Documentation submitted August 14, 2019. DEC Comment Letter dated October 11, 2019.

# LTCP Work Plan Flow Chart





# 19. LTCP Progress Update

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All LTCPs have either been approved or are under DEC review.

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## 20. Citywide/Open Waters LTCP Update

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DEP submitted the Citywide/Open Waters LTCP on September 30, 2020.

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