



**NEW YORK CITY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION  
DEC CASE # CO2-20000107-8**

## **Combined Sewer Overflow Order on Consent**

### **Quarterly Progress Report – Fourth Quarter 2008**



**January 2009**



DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

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**Bureau of Engineering  
Design & Construction**

JAN 29 2009

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Albany, NY 12233

**RE: Order on Consent (CSO Order)**  
**DEC Case # CO2-20000107-8**  
**Citywide CSO Program - Quarterly Report and Quarterly**  
**Meeting Minutes**

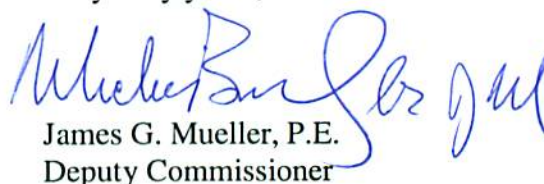
Dear Mr. DiMura:

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 October 1 through December 31, 2008.

Also enclosed are the meeting minutes from our November 20<sup>th</sup> CSO Quarterly Meeting held via teleconference. Our next Quarterly Meeting is scheduled for February 26, 2009 at 10:00am via videoconference.

Should you require further information, please contact me at (718) 595-5973.

Very truly yours,

  
James G. Mueller, P.E.  
Deputy Commissioner



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City of New York  
Department of Environmental Protection  
Bureau of Engineering Design & Construction

CSO Order on Consent  
DEC Case # CO2-20000107-8

QUARTERLY PROGRESS REPORT  
FOURTH QUARTER 2008  
(October 1 – December 31)

January 30, 2009

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Appendix A – Consent Order Certification Letters

## **1.0. Executive Summary**

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20000107-8 (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. 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 October 1, 2008 to December 31, 2008.

### **Critical Events This Quarter:**

The following critical events occurred this quarter:

- 1) 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.**
- 2) On August 5, 2008, the DEP received the DEC Permits necessary to allow for the Interim Dredging of the Hendrix Street Canal. These include: Article 25 – Tidal Wetlands Permit and Article 15 – Protection of Water Permit and Section 401 – Water Quality Certification. As noted within the Permit, a Post-Construction Monitoring Plan was submitted to the DEC on October 5, 2008. The DEP received the final dredging permit approval from the ACOE on December 5, 2008.**
- 3) DEP submitted a Request for Modification of a Minor Milestone associated with the Paerdegat Basin Foundations and Substructures work 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.**
- 4) 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 this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, DEC has asked that the modification request be revised so as to achieve construction completion in a similar time frame as current mandated projects and include a period to conduct field flow measurements. To date, no written response to the modification request has been received.**

### Major Actions This Quarter:

Table 1 presents the milestones that were met by DEP this quarter and Table 2 shows milestones that were postponed. For each milestone listed in Table 1 below, either met or postponed, written notification was submitted by DEP to DEC. Copies of these certification letters are provided in Appendix A.

**Table 1 – Milestones Met (October 2008 - December 2008)**

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	CONSENT ORDER MILESTONE DATE	DATE MILESTONE WAS ACHIEVED
Paerdegat Basin	Dredging of CSO Sediment Mounds at Head-end and Dredging of the Channel at the mouth of Paerdegat Basin	Submittal of Joint Application Permit to USACE and DEC	December 2008	December 2008
Newtown Creek	Aeration Zone I	Construction Completion	December 2008	December 2008

**Table 2 – Milestones to be Considered for Potential Modification**

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	REASON FOR POSTPONMENT
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Design and Construction	Alternative approach identified.
Jamaica Tributaries	Destratification Facility	Notice to Proceed to Construction	Unanticipated permit stipulation by DEC
Outer Harbor	Port Richmond Throttling Facility	Construction Completion	Unanticipated subsurface conditions/Force Majeure

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on November 20, 2008. The meeting was held via teleconference to discuss issues related to the Order and review milestones met during the last quarter.

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:

The following major actions are expected to occur between January 2009 and March 2009:

- ◆ Hold the next Quarterly Progress Meeting between DEC and DEP on February 26, 2009 at 10:00 am.



- ◆ Submit a modification request for milestones related to the Newtown Creek CSO plan elements in the Appendix A of the Order.
- ◆ Submit written notification to DEC on the following upcoming milestones:

**Table 3 – Milestones to be Met Next Quarter (January 2009 – March 2009)**

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	DATE TO BE SUBMITTED	STATUS
Paerdegat Basin	Foundations and Substructures	Construction Completion	February 2009 <sup>(1)</sup>	Mod Request Submitted
Jamaica Tributaries	Meadowmere & Warnerville DWO Abatement	Construction Completion	March 2009	Mod Request being prepared

(1) DEP submitted a written request for modification of this milestone in December 2008.

## 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 4 – Construction Contracts and their Status**

<b>WATERBODY</b>	<b>ITEM DESCRIPTION</b>	<b>NOTICE TO PROCEED</b>	<b>CONSTRUCTION COMPLETION</b>	<b>PERCENTAGE OF TIME ELAPSED</b>	<b>PERCENTAGE OF CONSTRUCTION COMPLETED*</b>
<b>Alley Creek</b>	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009	67%	29%
<b>Outer Harbor</b>	Regulator Improvements - Fixed Orifices	Feb 2006	Jul 2008	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	42%	40%
	Port Richmond Throttling Facility	Jun 2006	Dec 2008	100%	67%
<b>Inner Harbor</b>	Regulator Improvements - Fixed Orifices	Feb 2003	Apr 2006	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	42%	40%
	In-Line Storage	Aug 2007	Aug 2010	44%	66%
<b>Paerdegat Basin</b>	Influent Channel	Feb 1999	Feb 2002	100%	100%
	Foundations and Substructures	Jun 2002	Feb 2009	98%	97%
	Structures and Equipment	Sep 2005	May 2011	57%	78%
<b>Flushing Bay</b>	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	100%	100%
	Storage Tank	Jul 1997	Aug 2001	100%	100%
	Mechanical Structures	Mar 2002	Dec 2004	100%	100%
	Tide Gates	Dec 2000	Apr 2002	100%	100%

<b>WATERBODY</b>	<b>ITEM DESCRIPTION</b>	<b>NOTICE TO PROCEED</b>	<b>CONSTRUCTION COMPLETION</b>	<b>PERCENTAGE OF TIME ELAPSED</b>	<b>PERCENTAGE OF CONSTRUCTION COMPLETED*</b>
	Manual Sluice Gates	Feb 2004	Jun 2005	100%	100%
<b>Jamaica Tributaries</b>	Meadowmere & Warnerville DWO Abatement	Jun 2006	Mar 2009	91%	84%
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	-	-
	Destratification Facility	Apr 2009	Nov 2010	-	-
	Regulator Automation	Nov 2007	Jun 2010	42%	40%
<b>Coney Island Creek</b>	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	57%	42%
	Avenue V Force Main	Jul 2007	Jun 2012	29%	45%
<b>Newtown Creek</b>	Aeration Zone I	Dec 2005	Dec 2008	100%	65% <sup>(1)</sup>
	Aeration Zone II	Jun 2011	Jun 2014	-	-
	Relief Sewer / Regulator Modification	Jun 2010	Jun 2014	-	-
	Throttling Facility	Jun 2009	Dec 2012	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
<b>Westchester Creek</b>	Phase I (Influent Sewers)	Jun 2011	Jun 2015	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
<b>Bronx River</b>	Floatables Control	Jun 2009	Jun 2012	-	-
<b>Hutchinson River</b>	Phase I of the Storage Facility	Jun 2011	Jun 2015	-	-
	Future Phases	Dec 2016	Dec 2023	-	-
<b>Jamaica Bay</b>	Spring Creek AWPCP Upgrade	Mar 2003	Apr 2007	100%	100%
	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2008	Jun 2010	25%	25%
	Hendrix Creek Dredging	Aug 2009	Aug 2011	-	-
	26th Ward Wet Weather Expansion	Jun 2011	Dec 2015	-	-

\*Note: Percentage Construction Completion is generally tracked based on cost incurred

(1) Facilities necessary to operate Zone 1 Aeration are completed. Certifications of Construction Completion submitted to DEC in December 2008

### 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
  - ◆ Construction phase activities continued for Contract ER-AC1. The only remaining work consisted of the completion of the “As-Built” survey. Construction of Contract ER-AC1 is currently 100 percent complete of all Consent Order related work. **The remaining work has been administrative closeout and punch-list items. The only reason the contract has yet to be closed out is due to the pending registration of a change order.**

- ◆ Implementation of the post-construction erosion monitoring plan entitled “Erosion Monitoring Plan, Alley Creek CSO Facility,” dated May 24, 2002 for the CSO storage facility and new outfall continued. The erosion monitoring phase has been completed and a final report is being prepared. **The final report has been completed and is being reviewed.**
- ◆ The Alley Park Environmental Restoration Monitoring Plan was revised and re-submitted to the DEC on May 12, 2008 and approved on June 9, 2008.
- ◆ **Construction progress meetings were held on October 3, 2008 and December 5, 2008 at the Engineer’s field office.**
- ◆ **An Issues and Tasks meeting was held on November 21, 2008 at the Engineer’s field office.**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
  - ◆ Activities continued for Contract ER-AC2. The principal work included submittal of shop drawings by the Contractor and review of the drawings by the Engineer, obtaining permits and approvals from regulatory/approval agencies, negotiation of change orders and general coordination of construction activities. Construction of Contract ER-AC2 is currently about **29** percent complete.
  - ◆ In mid-November 2007, the DEP issued a registered letter to the DEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station in Contract ER-AC2 due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. An update on this Force Majeure was submitted on August 20, 2008. The impact of this stoppage has resulted in a projected delay in meeting the Consent Order date. The DEP has completed negotiations with the Contractor regarding the additional cost for the removal and replacement of the existing pile-supported 36-inch diameter influent sewer within the work zone. **The Change Order was registered on October 2, 2008.** The Contractor began work on the replacement of the existing 36-inch diameter sewer on July 9, 2008, completed it on August 15, 2008, and thereafter continued with the contract work.
  - ◆ **The DEP and CM have been coordinating with the contractor to develop alternatives to help recover time and update the CPM accordingly. Some of the recovery measures being discussed include premium time, possible use of an interim pumping station, re-sequencing work, and substituting some of the means and methods specified in the contract. However, the contractor does not feel that these re-sequencing alternatives will offer any time savings and has not been willing to negotiate a premium time change order with DEP. The DEP is looking into modifying the means and methods specified in the contract but will not commit to anything that may compromise project quality. The DEP also has concerns that even if a premium time change order can be negotiated with the contractor, either EAO or OMB is likely to disapprove it. The DEP will continue to work with the contractor on recovering time, but has no updates to report at this time.**

- ◆ **Construction Progress Meetings were held on October 3 and December 5, 2008 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ **An Issues and Task meeting was held on November 21, 2008 at the Engineer's Field Office for Contract ER-AC2.**

#### **Missed Milestones**

- ◆ There are no missed milestones.

#### **Anticipated Activities for Next Quarter**

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
  - ◆ Construction closeout activities will continue including finalization and registration of outstanding contract changes and the work associated with such change orders.
  - ◆ Implementation of the post-construction erosion monitoring plan for the CSO storage facility and new outfall will continue. **Submission of a Final Report documenting the monitoring activity at Outfall TI-025 and impacts on Alley Creek to the DEC.**
  - ◆ Construction close-out meetings and issues and tasks meetings will be held at the Engineer's field office, as needed, as determined by the DEP.
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
  - ◆ Construction under Contract ER-AC2 will continue. The principal work will include construction **completion** of the Interim Pumping Station, **structure, installation of yard piping**, construction of the sampling chamber, rebuilding of Outfall TI-008, obtaining permits and approvals from regulatory/ approval agencies, and submittal and review of shop drawings.
  - ◆ The monitoring plan for the wetland/upland areas to be created/restored under Contract ER-AC2 will be reviewed by the DEC.
  - ◆ Monthly construction progress and issues and tasks meetings will be held 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.
  - ◆ DEP continues to work with the contractor to develop a schedule to mitigate delays of the Force Majeure event. Mitigation alternatives including additional work shifts and increased staffing by the contractor, reducing equipment fabrication time, and restaging work continue to be explored. An updated schedule will be provided when viable recovery alternatives are established.

**Table 5 – Alley Creek CSO Project**

	<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 1.51-acre wetland area surrounding CSO Outfall TI-008
Cost:	<b>\$100,336,206.36</b>	<b>\$31,841,310</b>
Status:	Construction completed. Final close-out period.	<b>29%</b> complete with construction activities Notice of Force Majeure submitted to DEC in November 2007 Construction activities have resumed. DEP is currently identifying appropriate recovery options.

### 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.

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 were continued during this quarter. The Contractor (TMS) is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.
  - ◆ **A Change Order negotiation meeting for CO#1 was conducted on December 23, 2008 with the contractor and DEP.**
  - ◆ **Weekly construction meetings occurred on October 2, October 9, October 16, October 23, October 30, November 6, November 13, November 20, December 4, December 11 and December 18.**
  - ◆ **Monthly Progress Meetings occurred on October 23 and November 20. No Monthly Progress Meeting occurred in the month of December.**
- 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
  - ◆ **New structural design for a stainless steel gate guide support system was completed to facilitate installation of components in the high-sewage level in the Port Richmond Interceptor.**
  - ◆ Continued shop drawing reviews and RFI responses



- ◆ **Poured the base slab of the main chamber after achieving dewatering drawdown to the required contract depth.**
- ◆ **Completed work at Regulator R-28 – installation of overflow monitoring instrumentation.**
- ◆ **Poured the main chamber walls up to elevation –10.2, and plugged off 3 dewatering wells that were no longer necessary.**
- ◆ **Change Order 7 was initiated to cover cost for new gate guide support design, additional cost of interceptor pipe demolition due to unanticipated field conditions, and additional cost to install gate guide and supports due to the extraordinarily high-sewage level in the Port Richmond Interceptor.**
- ◆ **Regular monthly construction progress meetings were held on 10/7, 11/5 and 12/2.**

#### **Missed 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.**

#### **Anticipated Activities for Next Quarter**

##### *Construction*

- **Regulator Automation**
  - ◆ **Construction activities will continue. The contractor is conducting contract work, performing site visits to regulator sites and obtaining necessary permits.**
- **Phase II Throttling Facility**
  - ◆ **Continue to address Design Services During Construction activities for the ongoing construction. The contractor will continue main pit construction activities including the demolition and removal of the interceptor pipe, and fabrication and installation of the gate guides and support structure.**

**Table 6 – Outer Harbor CSO Project**

	<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	<b>\$4,203,000</b>	<b>\$2,842,000</b>
Status:	<b>Construction Complete</b>	<b>Construction 67% complete.</b>	<b>Construction 40% Complete</b>
Other Issues:	-	<b>Delays to project due to unanticipated field conditions (dewatering).</b>	-

### 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) and Phase II (In-Line Storage). In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

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.

#### 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, response to RFIs and meetings continued this quarter.

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities were continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.**
  - ◆ **A Change Order negotiation meeting for CO#1 was conducted on December 23, 2008 with the contractor and DEP.**
  - ◆ **Weekly construction meetings occurred on October 2, October 9, October 16, October 23, October 30, November 6, November 13, November 20, December 4, December 11 and December 18.**
  - ◆ **Monthly Progress Meetings occurred on October 23 and November 20. No Monthly Progress Meeting occurred in the month of December.**
- 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 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
  - ◆ **At the B-6 site, the contractor completed construction of the main chamber's base slab and walls and construction of the control vault structure and fail safe chamber. Began installation of mechanical equipment and piping.**
  - ◆ **Dewatering activities were discontinued at the B-6 site on October 22, 2008 as the sub-grade concrete work for base slab and walls was completed before the expiration of the Long Island Well permit and Bureau of Wastewater Treatment discharge permit on October 26, 2008.**
  - ◆ **At the R-20 site, completed construction of the control vault, partially backfilled around the control vault structure and fail safe chamber and continued working on exterior piping. Began installation of mechanical equipment.**
  - ◆ **The contractor completed installation of steel sheeting at the sides of the existing sewer, removed top of the sewer and installed platform in preparation of grouting application to be done at the ends of the excavation around the existing sewer.**

#### **Missed Milestones**

- ◆ There are no missed milestones.

#### **Anticipated Activities for Next Quarter**

##### *Design*

- In-line Storage
  - ◆ **Review shop drawings, respond to RFIs and attend monthly construction I&T meetings.**

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities will continue. The contractor is conducting contract work, performing site visits to regulator sites and obtaining necessary permits**
- In-line Storage
  - ◆ **Continue construction activities including installation of mechanical equipment and associated piping at the B-6 site. Begin installation of inflatable dam within the main chamber.**
  - ◆ **At the R-20 site, complete construction of the control vault structure and fail safe chamber and manhole including all mechanical equipment and piping. Begin**

**grouting and proceed with remainder of Change Order No. 1 work pending its registration.**

**Table 7 – Inner Harbor CSO Project**

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	In-Line Storage	Regulator Improvements – Automation
Location:	72 regulator sites in Manhattan and Brooklyn	Upstream of regulators B-6 and R-20 in Brooklyn	Regulator sites in Manhattan and Brooklyn
Actions:	Conversion to fixed orifices	Installation of two inflatable dams in the combined sewer systems	Conversion to automated regulators
Construction Cost:	\$9,500,000	<b>\$11,200,000</b>	<b>\$13,737,000</b>
Status:	Construction Complete	<b>Under construction, 66% complete</b>	<b>Construction 40% Complete</b>
Other Issues:		<b>Force Majeure submitted to DEC in December 2007</b>	

### 3.4. 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.
- ◆ DEP 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 this quarter in accordance with the approved LTCP.**

##### *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.
  - ◆ **The civil work completing contractor, Skanska, began rubbing and patching concrete walls and plugging snap-tie holes in the CSO Tanks. Skanska also began surveying and installing reinforcing steel for the effluent trough, core-drilling 36-inch manholes for access to the drainage trough to remove debris, placing concrete for training walls and flushing pipe encasements.**
  - ◆ **The Surety submitted Gramercy Construction Group as a subcontractor/completing contractor for the remaining marine work. Gramercy was initially denied approval by the Department. After reconsideration, Gramercy was approved and has submitted a HASP plan for approval. Upon approval they will begin working.**
  - ◆ **The Surety submitted Moretrench as a completing contractor to perform tie down anchor work in the CSO Tanks and Pump Back Building. Moretrench has been accepted by the Department and is will proceed after completing all necessary administrative items.**
  - ◆ **On December 29, 2008; the DEP submitted a modification request to extend the Contract 4B completion milestone to November 2009.**
- Phase III - Superstructures and Equipment
  - ◆ Construction work has continued and is approximately **78%** complete.
  - ◆ The 5G Contractor continued installation of the flushing gates and the hydraulic operators in the CSO Tanks; began installation of the CSO Pump Back Pumps in the Pump Back Building (PBB); continued installation of stainless steel structural batten seam roofing, soffit and fascia on the PBB, Odor Control Building (OCB) and Screenings Building (SB); continued installation of the CSO Tank vertical drop down ladders and stainless steel access platform ladders; began installation of ornamental fencing and sea rail fencing. Contractor also continued excavation by the Influent Channels; completed demolition of the 138-inch two barrel sewer; completed placement of the Five Barrel Influent Channel base slab and began installation of the Five Barrel Influent Channel walls and tide gates.
  - ◆ **The 5E Contractor continued pulling cable and wire to various pieces of equipment in the PBB, OCB and SB; continued installation of security equipment in the CFS Building; continued terminating conductors for, telephone and intercom in the PBB; continued installation of lighting fixtures in the PBB, OCB and SB as well as hot testing light fixtures in the PBB and OCB. Contractor also continued installation of duct banks on the west side of the PBB, OCB and SB and began installation of site lighting.**
  - ◆ The 5H Contractor continued installation of stainless steel ductwork and plenums, HWS & HWR piping and insulation for piping in the PBB, OCB and SB; continued pulling and

terminating control wiring in the PBB, OCB and SB; continued installation of three (3) hot water boilers with associated piping and controls. Contractor also began installation of ductwork on the north side of the CSO Tanks.

- ♦ **The 5P Contractor continued performing remedial work in the CFS Building.**

#### **Missed Milestones**

- ♦ **DEP submitted a Request for Modification of a Minor Milestone associated with the Paerdegat Basin Foundations and Substructures work 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.**

#### **Anticipated Activities for Next Quarter**

##### *Construction*

- **Phase II - Foundations and Substructures**
  - ♦ **The Surety will proceed with the remaining marine work including the removal of the north access road and slurry wall by Gramercy Construction Group.**
  - ♦ **The Surety will proceed with the instrumented tiedown anchor work with Moretrench as the completing contractor.**
  - ♦ **The Surety will proceed with the removal of defunct construction equipment left on the Parks and Recreation department property by Gramercy Construction Group.**
  - ♦ **The civil work completing contractor Skanska will continue rubbing and patching concrete in the CSO Tanks; continue installing reinforcing steel for the effluent trough in the CSO Tanks and continue installation of training walls in the CSO Tanks.**
- **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 complete punch list work in the CFS Building. Contractor will also continue installation of flushing gates and associated hydraulic piping and panels in the CSO Tanks; complete installation of the stainless steel access platform ladders and framing in the CSO Tanks; complete installation of vertical drop down ladders in the CSO Tanks; continue installation of odor control system including exhaust fans, valves, dampers and stacks in the OCB; complete installation of service air piping system in the PBB, OCB and SB; complete installation of the pump back pumps and grit pumps in the PBB; complete installation of 42-inch CSO force main, 12-inch grit piping and associated valves in the PBB. Contractor will also complete installation of stainless steel sea-rail on the North side of the CSO Tanks; begin installation of the 10 foot ornamental picket fence around the project**



**site and complete placement of concrete topping in the PBB, OCB and SB. Contractor will also begin demolition of the top slab of the existing 5-barrel effluent channel and begin connection to the new five barrel influent channel while maintaining operation of the existing 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. Contractor will also continue installation of RGS conduit and conduit racks for lighting, fire alarms, telephones and paging in the PBB, OCB and SB; begin pulling, 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 on the west side of the process buildings and continue ductbank installation for control wire on the west side of the process building. Contractor will also continue pulling, testing and terminating cable and wire to local control panels for various pieces of equipment in the PBB, OCB and SB.**
- ◆ The 5H Contractor will complete punchlist work in the CFS Building. Contractor will also complete installation of stainless steel ductwork in the PBB, OCB and SB; continue installation of ductwork in the CSO Tank Corridor and CSO Tanks; will continue installation of HWS & HWR piping, refrigeration piping, insulation and fire stopping in the PBB, OCB, and SB. Contractor will also begin installation of registers and access doors in the CSO Tanks; complete flushing and hydrostatic leak tests on HWS & HWR piping in the OCB and SB; complete testing of refrigerant piping in the PBB and OCB and begin installation of exhaust fans EF-7304 and EF-7305 in the SB..
- ◆ The 5P Contractor will complete insulation of various piping in the PBB, OCB and SB; complete installation of vent piping in the PBB, OCB and SB; complete roof penetrations for piping in the PBB, OCB and SB; begin flushing of all piping in the PBB, OCB and SB and begin training DEP personnel on various pieces of equipment.

**Table 8 – Paerdegat Basin CSO Project**

	<i>Phase IA</i>	<i>Phase II</i>	<i>Phase III</i>
Construction Phase:	Influent Channels	Foundations and Substructures	Structures and Equipment
Location:	Flatlands and Ralph Avenues, Brooklyn, NY	West Shore of Paerdegat Basin	West Shore of Paerdegat Basin
Actions:	Construction of the influent channels to the CSO facility	Underground structural elements	Aboveground buildings and equipment
Cost:	\$9,000,000	<b>\$ 126,142,890</b>	<b>\$ 187,148,103</b>
Status:	Construction completed.	NTP issued on 6/24/02. Construction 97% complete.	NTP issued on 9/26/05. Construction 78% complete.
Other Issues:	-	<p>Dredging of the mouth of the Basin postponed indefinitely due to Belt Pkwy Bridge damage.</p> <p>A written notice of a Request for Modification of a Milestone Date was submitted to DEC on October 31, 2006. DEP received a modified completion date of February 2008 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4.</p> <p>DEP received a modified completion date of May 2011 as set forth in Appendix A, IV. Paerdegat Basin CSO, E. Structures and Equipment, 4.</p> <p><b>The Contractor was held in default in December 2007. The Surety has since submitted three completion contractors for different work. All completing contractors have been accepted and one, Skanska, has begun working.</b></p> <p><b>The department has submitted a Request for Modification of Milestone Date to the DEC requesting a modification to the consent order based on the unanticipated delays stemming from the default of the original CSO-4B general contractor.</b></p>	-

### **3.5. Flushing Bay CSO**

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 has 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.

The Flushing Bay CS4-4 milestone was modified pursuant to the 2008 CSO Order Modification.

### **Work Performed During This Quarter**

#### *Construction*

- DEP certified construction completion of the Flushing Bay CSO Retention Facility on May 31, 2007. Construction is complete.

### **Anticipated Activities for Next Quarter**

- ◆ Contractor to continue punchlist activities.

**Table 9 – Flushing Bay CSO Project**

Plan Elements:	Flushing Bay CSO Retention Facility
Location:	Intersection of College Point Boulevard and Avery Avenue, Queens
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.
Cost:	\$291,000,000
Status:	<b>Construction Completion milestone was met on 5/17/07</b>
Other Issues:	

### **3.6. 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 were 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 8 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*

- Destratification Facility
  - ◆ **Supplemental sampling requested by DEC ended on October 14, 2008. During the sampling period all data was submitted to the DEC the day following the sampling as per the protocol agreed to between the agencies. Information was received from DEC's Marine Division on December 23, 2008, indicating that according to the sampling data provided, the destratification project will not cause an adverse impact to the environment, and that they will continue the review of the permit application for the construction of the permanent facility.**
- Drainage Plan
  - ◆ BWSO submitted the Laurelton and Springfield Blvd. drainage plan for storm sewer buildout on May 31, 2008 in accordance with the modified date granted by DEC in February 2008.

#### *Design*

- 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 this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, DEC has asked that the modification request be revised so as to achieve construction completion in a similar time frame as current mandated projects and include a period to conduct field flow measurements. To date, no written response to the modification request has been received.**

#### *Construction*

- Destratification Facility
  - ◆ **NYC DCAS continues to negotiate with property owner at proposed site; awaiting DEC resolution on permit.**
- Regulator Automation
  - ◆ **Construction activities were continued during this quarter. The Contractor is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.**
  - ◆ **A Change Order negotiation meeting for CO#1 was conducted on December 23, 2008 with the contractor and DEP.**
  - ◆ **Weekly construction meetings occurred on October 2, October 9, October 16, October 23, October 30, November 6, November 13, November 20, December 4, December 11 and December 18.**
  - ◆ **Monthly Progress Meetings occurred on October 23 and November 20. No Monthly Progress Meeting occurred in the month of December.**
- Meadowmere/Warnerville

- ◆ **Continued DSDC activities for the Meadowmere & Warnerville project. Construction is 84% complete. Initiated Training and O&M tasks.**
- ◆ **Contractor is continuing construction on the pumping station, electrical control building, microtunneling on Rockaway and Brookville Boulevard, and HDD force main work.**
- ◆ **NYCDOT permit to microtunnel on Rockaway Boulevard has been secured. Microtunneling efforts on Rockaway Boulevard continued, and were completed during this reporting period.**
- ◆ **There were minor delays to the HDD force main installation effort due to complications including frac-outs of drilling fluid and signal guidance problems (interference from other underground buried structures).**
- ◆ **By November, it was decided that a new additional landing area (with entry and exit points) for the force main would be required. An area near the Mastro concrete facility, along with an area adjacent to the tidal wetlands, was used. This area was approved for use by DEC, and the required permit modification and planting restoration plans were submitted for approval.**
- ◆ **Monthly Construction I&T meetings were held on 10/8, 11/12 and 12/10.**

#### **Anticipated Activities for Next Quarter**

##### *Design*

- **Destratification Facility**
  - ◆ **Receive permit approval to proceed with construction procurement activities.**

##### *Construction*

- **Regulator Automation**
  - ◆ **Construction activities will continue. The contractor is conducting contract work, performing site visits to regulator sites and obtaining necessary permits**
- **Meadowmere/Warnerville**
  - ◆ **Substantially complete construction on the pump station, mitigation/planting areas, force main, and gravity sewers. Continue training and O&M activities.**
- **Jamaica WPCP Wet Weather Expansion**
  - ◆ **None.**

**Table 10 – Jamaica Tributaries CSO Project**

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:	\$30,648,888	\$120 million	\$3,800,000	To be determined	<b>\$1,421,000</b>
Status:	<b>Construction 84% complete.</b> DSDC activities continued.	Recent analyses indicate that this element has limited water quality benefits. <b>A new modification request is being prepared to allow for sewer system modifications as well as post construction flow monitoring to quantify maximum flows to the treatment facility</b>	Permit under review by USACE and DEC. Site acquisition in progress. <b>Force Majeure/Request for Modification Request submitted.</b>	Drainage planning <b>complete.</b>	Construction <b>40%</b> Complete.



### 3.7. 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:
    - **LI well permit preparation.**
    - **Shop Drawing Review**
    - **Coordination Drawing Review**
    - **Change Order Preparation**
    - **Architectural Terra Cotta Inspection.**
    - **Main Building Roof Structural Inspection.**
    - **Influent Flow Study.**
- 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:
    - **Removal of existing picket fence including footing.**
    - **Removal/Relocation of salvageable/unsalvageable material.**
    - **Site preparation for Generator Building and Network Protection Structure.**

- **Removal of exterior architectural terra cotta for replacement.**
- **Installation of electrical duct banks including manholes.**
- **Installation of temporary exterior site lighting including construction power receptacles.**
- **Final installation/testing of Temporary Pumping System mechanical equipment including pumps, valves, discharge piping, flow meters and level sensors.**
- **Final installation/testing of Temporary Pumping System electrical equipment including motor control center, emergency generator, pump controls, telemetry, conduit and cable.**
- **New Force Mains**
  - ◆ **Construction activities during this quarter included:**
    - **Open Cut Pipe installation:**
      - **42" – Verrazano Bridge to Bay 8<sup>th</sup> St. (WIP); Bay 8<sup>th</sup> St. to Bay Parkway; Bay Parkway to 25<sup>th</sup> Ave. Total: 8,977 LF (75%)**
      - **48" – Bay 16<sup>th</sup> St. to Bay Parkway; Bay Parkway to 25<sup>th</sup> Ave.**
      - **Total: 4,887 LF (87%)**
    - **Jacked casing pipe installation**
      - **66" casing pipe for 42" carrier pipe - 320 LF with carrier pipe; 160 LF of casing pipe only.**
      - **66" casing for 48" carrier pipe – 80 LF installed**
      - **Construction of future jacking pits.**
    - **Installation of blowoff valves and air valves.**
    - **Sheeting installation and removal as necessary.**
    - **Leakage tests completed from Bay 8<sup>th</sup> St. to 20<sup>th</sup> Ave.**
    - **Soil removal.**
    - **Site preparation and clearing.**
    - **Construction of jacking pits on Bay 16<sup>th</sup> St. to prepare for future microtunneling operations.**

#### **Missed Milestones**

- ◆ **There are no missed milestones.**

## **Anticipated Activities for Next Quarter**

### *Design*

- **Continue DSDC activities**
- **Submit revised SPDES and LI Well permits to DEC**

### *Construction*

- **Avenue V Pumping Station Upgrade**
  - ◆ **Perform “10-Day Operational Test” of the Temporary Pumping Station.**
  - ◆ **Contractor operation of the Temporary Pumping Station and take-over of the existing pumping station.**
  - ◆ **Remediation/Removal of existing pumping station hazardous material including lead-based paint, asbestos insulation, and mercury light bulbs/thermostats.**
  - ◆ **Demolition/Removal of existing pumping station mechanical and electrical equipment.**
  - ◆ **Architectural tile removal for replacement.**
  - ◆ **Installation of mini piles for Network Protection structure and Generator Building.**
- **New Force Mains**
  - ◆ **Open cut single pipe installation (42” pipe) in the vicinity of Fort Hamilton.**
  - ◆ **Subcontractor Northeast Remsco to start microtunneling 48” pipe at Bay 16<sup>th</sup> St. from Jacking Pit Y to Receiving Pit X (Bath Ave.) and G (Shore Parkway).**
  - ◆ **Complete jacking operations at Bay Parkway (Double Pipe). Start jacking operations at Verrazano Bridge ramp.**
  - ◆ **Set up jacking pits for future jacking and microtunneling work.**
  - ◆ **Start landscape restoration from Bay 8<sup>th</sup> St. to Bay Parkway.**
  - ◆ **Continue installation and removal of steel sheeting as necessary.**
  - ◆ **Leakage tests for installed pipe.**
  - ◆ **Clean and inspect SE-133.**
  - ◆ **Start structural work at discharge chambers (CO # 2).**
    - **Manhole # 18 – Connection to SE-133.**
  - ◆ **Start installation of air valves and access manholes (CO # 1).**
  - ◆ **Prepare for open cut work in the streets. (Ave. V to Cropsey Ave.)**
    - **Water main and sewer relocations on 27<sup>th</sup> Ave.**

♦ **Soil removal.**

**Table 11 – Coney Island Creek CSO Project**

<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:	\$68,307,000	\$97,756,000
Status:	Notice to Proceed issued on 12/16/05. <b>Construction is 42% complete.</b>	Notice to Proceed to Construction is <b>45% complete.</b>
Other Issues:	None	None

### **3.8. 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.

#### **Work Performed During This Quarter**

##### *Planning*

- Off-line Storage Tank
  - ◆ The Bureau of Environmental Planning and Assessment (BEPA) continued their review of the Remedial Action Plan (RAP) and Health and Safety Plan (HASP) for the remedial work related to the CSO Storage Facility. BEPA completed their review of the revised CSO Storage Facility Environmental Assessment Statement (EAS) and the Air Modeling Report and has requested additional work, including a traffic waterbody/watershed analysis. However, since the WB/WS Plan for Newtown Creek was submitted in June 2007, the DEP directed the Engineer to postpone this analysis until the WB/WS Plan for Newtown Creek is reviewed and approved.

##### *Design*

- Maximize Flow to Morgan Ave. Interceptor
  - ◆ The Department awarded and registered a contract with URS Corporation for Engineering Services for St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.

■ Phase 1 Aeration Facility

- ◆ The DEC Joint Application Permit had expired and a new permit application was submitted to the DEC. The DEC reviewed and has determined that the apparent bulkhead is actually a relieving platform and therefore the land beneath the platform is considered wetlands. As a result, the DEC replied to the DEP with a Notice of Incomplete Application (NOIA). A response to the NOIA was prepared and submitted to the DEC on July 18, 2006. The DEC then issued a second NOIA and a response was prepared by the DEP and submitted to the DEC on August 25, 2006, with a revised response submitted to the DEC on September 7, 2006. The DEP BEPA issued a modified Negative Declaration on October 4, 2006 and the DEC issued a Notice of Complete Application (NOCA) to the DEP on October 18, 2006 for advertisement including a public comment period ending November 10, 2006. The DEC then issued a Notice of Permit Issuance (NOPI) on November 22, 2006 with the effective dates of November 24, 2006 through December 31, 2009. The DEC Joint Application Permit was modified by the DEC on September 11, 2007 to incorporate changes to the construction contract.
- ◆ The NOPI contains Special Conditions, including submission of a Habitat Monitoring Plan and a Wetlands Restoration Plan within 30 days and 60 days of the permit's issuance, respectively.
- ◆ The special condition for the Wetlands Restoration Plan has been approved by the DEC on April 24, 2007.
- ◆ A Habitat Monitoring Plan was submitted to the DEC in January 2007 for their review. The DEC reviewed and submitted comments to the Plan on March 20, 2007. The DEC's comments included requests for much more extensive sampling. The magnitude of the Plan recommended by the DEC is far beyond the scope needed to satisfy the intent of the Permit Condition. A meeting with the DEC, DEP, and the Engineer was held on April 13, 2007 to discuss the DEC comments. The Habitat Monitoring Plan was revised based upon discussions at this meeting and forwarded to the DEC on June 27, 2007. DEC comments to the Habitat Monitoring Plan were received on December 14, 2007. A DEP response was prepared and submitted to the DEC on May 15, 2008. DEC subsequently granted approval of the Plan. DEP prepared and submitted an application for a License to Collect or Possess, which was also approved by the DEC.

A Health and Safety Plan (HASP) for the Habitat Monitoring Plan was prepared and submitted to the DEP for their review. DEP subsequently approved the HASP.

Pre-operational sampling for the Habitat Monitoring Plan commenced on August 25, 2008 and **was completed the week of September 1, 2008. A draft report summarizing the results of the pre-operational sampling was submitted to the DEP on November 28, 2008 for review. The DEP's comments were incorporated and a revised report was submitted on December 10, 2008.**

**A separate Performance Sampling Plan for the Phase I Aeration Facility was reviewed by the DEP and their comments incorporated into a revised Plan.**

- ◆ The DEP modified the existing design to achieve higher dissolved oxygen levels and to use this data to assist in the design and permitting of subsequent aeration facilities. A modification to the Contract was issued to modify the diffuser assembly piping accordingly.
- ◆ The NOPI contains Special Conditions for wet weather site management. In response to the Special Conditions, Change Order No. NC-EK11G-3 (Site Storm Drainage and Retaining Wall) was written and negotiated. Because of the modifications in the change order, the Street Opening permit for this change order required variance approval from the New York City Department of Transportation (DOT). The DOT approved the variance to the Street Opening permit.
- ◆ **The NOPI also contains Special Conditions to provide a Porous Paver Maintenance Plan. The plan was submitted on November 14, 2008 by the DEP and approved by the DEC on December 8, 2008.**
- ◆ The DEP waived the Quality Assurance/Quality Checking (QA/QC) inspection for the blower packages. It was discovered in March that the blower vendor waived most of the shop tests for the blower equipment. **The blower equipment passed the shop witness test and was delivered to and installed at the site.**
- ◆ **A permanent electrical service account with Consolidated Edison of New York was obtained.**
- ◆ The Electrical Contractor submitted an application to obtain the Electrical Advisory Board's Electrical Permit. The Electrical Advisory Board raised some electrical concerns that needed to be addressed. Of particular importance was a request to provide an additional means of egress for the Electrical Room. **Responses were forwarded to the Electrical Advisory Board and the Board and approval has been obtained.**
- ◆ **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 facilities necessary to operate the Zone 1 Aeration are complete. Remaining work not related to the operational intent is on-going.**
- ◆ **A permanent telephone account with Verizon was obtained.**
- 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 continues 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.

*Construction*

- Phase 1 Aeration Facilities
  - ◆ **The overall construction of the Phase I Aeration Facilities is 65 percent complete, with 100% of the work completed necessary to operate the facility.** During the quarter, the NC-EK11G and NC-EK11E Contractors performed the following work:
    - NC-EK11G
      - Completed installation of louvers
      - Completed installation of insulation for the interior water piping
      - Completed installation of the exhaust fan supports
      - Completed installation of aeration piping within the English Kills
      - Completed installation of main control panel
      - Completed installation of domestic water connection to the Facility
      - Commenced installation of the sanitary and storm sewer systems
      - Started up and tested the aeration system
    - NC-EK11E
      - Tested and commissioned the motor control center, current transformer cabinet and other electrical service equipment
      - Completed installation, testing and commissioning of outdoor transformer
      - Completed installation and testing of the grounding system
      - Completed installation of lighting fixtures
      - Completed installation of power and control wiring to the blowers
      - Completed installation of wiring to motor control center, lighting panel and other electrical service equipment
      - Completed installation of wiring to various equipment
      - Completed installation of the fire alarm panels, pull alarms and smoke detectors
      - Completed installation of intrusion alarm panels and intrusion detectors
    - NC-EK11H
      - Completed installation of HV-1 unit



- **Continued installation of heating and ventilating equipment.**
- 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.

#### Missed Milestones

- ◆ There are no missed milestones **but the DEP will be looking 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.**

#### 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**
  - Continue the process of obtaining a Notification of Completion for the Aeration Facility.
- **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 that is being installed in Phase I.

##### *Construction*

- **Phase 1 Aeration Facility**
  - The NC-EK11G, NC-EK11H and NC-EK11E Contractors are scheduled to perform the following work for the next quarter:
    - NC-EK11G
      - Commence installation of Plumbing Fixtures

- **Complete** installation of Site Water and Sewer Systems
- Commence placement of Underground Concrete Ductbank for the Outside Lighting
- Commence installation of Porous Paver System
- **Commence installation of various Equipment Identification**
- **Test the Jib and Bridge Crane**
- NC-EK11E
  - **Complete** installation of miscellaneous conduit work
  - **Complete** testing of the fire alarm and intrusion systems
  - **Commence installation of electrical pole lighting**
- NC-EK11H
  - **Complete installation and testing** of HVAC Equipment

**Table 12 – Newtown Creek CSO Project**

Plan Elements:	Maximize flow through Morgan Ave. Interceptor	Phase 1&2 - Aeration Facilities	Off-line Storage Tank
Location:	Regulator B1 and WPCP throttling chamber	Head end of English Kills, south of Grand Street	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in Regulator B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to Regulator B1; provide throttling gate on Kent Avenue Interceptor.	Provide aeration of English Kills to raise DO concentrations to a goal of 3.0 mg/l. The facility includes a landside compressor station and an air header and diffuser assembly on the Creek bottom.	Design of an off-line storage facility to control CSO discharge into English Kills. The facility would include the tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.
Cost:	\$10,000,000	\$65,000,000 (total for Zones I and II)	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.	<b>Overall construction is 65% complete, with 100% completion of the facilities necessary to operate the Zone 1 Aeration.</b> <b>The Habitat Monitoring Plan was approved and pre-operational sampling continued.</b> Continue design of the Aeration Systems for Dutch Kills and East Branch under Contract NC-EK-IV. Evaluation of aeration technologies.	A Draft ULURP application submitted to DEP. The RAP and HASP are under review by BEPA. BEPA submitted comments to the EAS and the Air Modeling Report. The Department directed the Engineer to await the submission of the Newtown Creek LTCP prior to performing the additional work requested by BEPA.
Other Issues:	Requires coordination with WPCP planning and design requirements		Site approval (ULURP) and acquisition of property required. <b>As allowed by the Order, the current plan is subject to modifications by the Waterbody / Watershed Facility Plan.</b>

### **3.9. 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 is awaiting review comments from the DEC for the Westchester Creek Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.**
- Phase II – CSO Storage Facility
  - ◆ **The DEP is awaiting review comments from the DEC for the Westchester Creek Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.**

#### *Construction*

- ◆ Construction has not yet been initiated.

#### **Missed 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.

**Table 13 – 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

### 3.10. 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.

#### *Design*

- ◆ Design of the floatables control facilities at Outfalls HP-004, HP-007 and HP-09 was completed on July 25, 2008. Contract documents were delivered to the DEC at the end of July 2008.
- ◆ **On December 31, 2008; DEP responded to the DEC October 27, 2008 letter regarding further clarification on the technical submittal made on July 25, 2008.**
- ◆ The traffic impact study report for Regulator 27 (Outfall HP-007), entitled “Bronx Floatables Expansion of Regulator CSO 27, Traffic Impact Study of Local Detour Route,” was finalized, and the DOT was contacted regarding the recommended traffic control plan included in the report. On August 21, 2008, a meeting was held at the project site with DEP and the NYCDOT to discuss and review the MPT plan for Bronx Park Avenue. **A follow-up meeting with the local community board was held to review the impacts of construction from the proposed MPT plan.**
- ◆ An updated construction cost estimate (at 90% complete) for the floatables control facilities was **submitted. The Final Design Construction Budget Estimate summary was \$37,172,000.**

- ◆ The Geotechnical Investigation Report for the floatables control facilities, based on the geotechnical borings drilled at the project sites **has been completed.**
- ◆ A utility coordination meeting was held on June 24, 2008 between the DEP, Con Edison and the Empire City Subway for work on the Bronx River Floatables Project. **All utility coordination issues with Con Edison have been resolved.**
- ◆ The DEC and ACOE Joint Permit Application for Wetlands work has been completed and is being reviewed prior to submission.
- ◆ **On December 4, 2008 BEPA issued a Lead Agency determination and a Notice of Intent to conduct an environmental review of the project.**
- ◆ **Construction Contract ER-BR1 for the Bronx River Floatables Control Facilities was let out for bid on December 16, 2008.**
- ◆ **A pre-bid conference for the Bronx River Floatables Control Facilities project was held on December 29, 2008.**

#### *Construction*

- ◆ Construction has not yet been initiated.

#### **Missed Milestones**

- ◆ There are no missed milestones.

#### **Anticipated Activities for Next Quarter**

- *Planning*
  - ◆ The environmental borings will be taken at the sites of the floatables control facilities.
- *Design*
  - ◆ DOT approval of the recommended traffic control plan for Regulator 27 for the floatables control facilities to be obtained.
  - ◆ **The Bronx River Floatables Project will be bid and awarded to the lowest responsible bidder.**



**Table 14 – 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:	<b>\$37,172,000</b>
Status:	<b>Bronx River Floatables Control Project currently being bid</b>
Other Issues:	<b>NYCDOT – OCMC to provide approval for MPT plan; completion of environmental borings required</b>

### **3.11. 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 233<sup>rd</sup> 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.

#### **Work Performed During This Quarter**

##### *Design*

- Phase I – 4 MG CSO Storage Tank
  - ◆ **The DEP is awaiting review comments from the DEC for the Hutchinson River Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.**
- Phase II – 3 MG CSO Storage Tank
  - ◆ **The DEP is awaiting review comments from the DEC for the Hutchinson River Waterbody/Watershed Facility Plan submitted in June 2007 which includes modifications to the elements included in Appendix A of the Order.**

##### *Construction*

- ◆ Construction has not yet been initiated.

### Missed Milestones

- ◆ There are no missed milestones.

### Anticipated Activities for Next Quarter

- ◆ None

**Table 15 – 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:	Preparation of EAS and ULURP Application being coordinated with the CSO Long-Term Control Plan; design underway
Other Issues:	EAS needs to be prepared, approved and Negative Declaration issued; ULURP Application needs to be prepared, certified and approved; sites for CSO storage facilities need to be acquired. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

### **3.12. Jamaica Bay CSO**

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26<sup>th</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> Ward WPCP by 50 mgd.

In addition to the facility plan recommendations, the existing Spring Creek Auxiliary WPCP is undergoing an upgrade. 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 four 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.

#### **Work Performed During This Quarter**

##### *Design*

- Dredging
  - ◆ **The DEP received permit from USACE dated December 5, 2008 to allow for the Interim Dredging of the Hendrix Street Canal.**
- Expansion of 26<sup>th</sup> Ward WPCP Capacity
  - ◆ Design work for the 50 mgd increase in wet weather capacity continued.

##### *Construction*

- Spring Creek Auxiliary WPCP Upgrade

- ◆ Construction activities are nearing completion with the scavenger waste facility completed this quarter and change order work remaining to be completed at the Spring Creek Auxiliary WPCP upgrade. The odor control system, generator, boilers, and disinfection system have all been started up and the certification of construction completion was sent to the DEC meeting the April 30<sup>th</sup> milestone. Sluice gate issues are being addressed by the Contractor for Contract SC-1G. The Contractor for Contract SC-1H is addressing punch list issues as is the Contractor for Contractor SC-1E. All basins are operational.
- ◆ Additional comments to the Wet Weather Operating Plan and the 2A Report were received from DEC and are being addressed.
- Cleaning of Certain Combined Sewers
  - ◆ **Work continues on the removal of debris from the Hegeman Avenue sewer.**

#### Modified Milestones

- **Dredging**
  - ◆ **On July 21, 2008, the DEP received correspondence from the DEC noting that the Department's request to modify the Notice to Proceed to Construction and Construction Completion milestones was timely. The DEC agreed to modify the Notice to Proceed to Construction milestone to twelve (12) months after issuance of the dredging permit.**

#### Anticipated Activities for Next Quarter

- Dredging
  - ◆ **Advertise and solicit bids from interested contractors to perform the Interim Dredging of the Hendrix Street Canal.**
- Cleaning of Certain Combined Sewers
  - ◆ **Continuation of sewer cleaning activities by the contractor and construction management of contractor sewer cleaning activities by DEP personnel.**
- Spring Creek Upgrade
  - ◆ The Contractor is completing the work on the scavenger waste station.
  - ◆ The electrical contractor is completing the work on the security system and permanent control room.

**Table 16 – Jamaica Bay CSO Project**

Plan Elements:	Dredging	Cleaning of Certain Combined Sewers	Expansion of 26 <sup>th</sup> Ward WPCP Capacity	Spring Creek Upgrade
Location:	Phase I- Interim Dredging of Hendrix Street Canal	Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues	Phase IV- 26 <sup>th</sup> Ward WPCP, Brooklyn	Spring Creek, Brooklyn
Actions:	Contract documents for interim dredging have been revised and were submitted to the USACE and DEC.	Contractor initiated work August 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility
Project Cost:	\$15 million	\$4.3 million	Estimate Construction Costs: ▪ 26W- 13: \$26 million ▪ 26W-20: \$232 million <sup>1</sup> ▪ 26W-22: \$424 million <sup>1</sup> ▪ 26W-23: \$58 million <sup>1</sup> ▪ 26W-24: TBD <sup>1</sup> Conceptual estimate	\$87 million
Status:	<b>Received USACE Permit to allow for Dredging of Canal.</b>	<b>25% Complete</b>	Final Design Initiated	100% complete
Other Issues:	Notice to Proceed to Construction and Construction Complete Milestones dates have been modified by the DEC to August 2009 and August 2011, respectively.	-	-	-

### 3.13. 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. Over the course of 2008, floatables monitoring activities **were** incorporated into existing programs (listed below) to expand the number of sites monitored relative to the pilot program.
  - 1) Long Term Control Plan post construction compliance monitoring (PCM) - Floatables monitoring **was** conducted as part of the PCM for the LTCP facilities that have come on line (i.e., Flushing and Spring Creek CSO retention facilities).
  - 2) Harbor Water Quality Survey – Floatables monitoring **was** incorporated into existing cruise schedules to cover active sites.
  - 3) Public Participation – For the 2008 bathing season, volunteers **conducted floatables monitoring at over 40 sites harbor-wide.**
  - 4) Environmental Benefit Shoreline Cleanup Program – Monitoring was conducted in conjunction with this DEP cleanup program. Cleanups occurred over several days during the summer of 2008 at **eight** sites.
- ◆ The New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years, expanded their public participation floatables monitoring activities during the 2008 bathing season. Throughout the second and third quarters of 2008, the Survey Program recruited volunteers and conducted outreach and/or training in preparation of monitoring activities at over 50 sites throughout the five boroughs. In general, volunteer monitoring was conducted during June, July, and August. In September **and October**, the volunteers **submitted** their final data sheets. Based on preliminary analysis of volunteer data submittals, **floatables monitoring was conducted at over 40 volunteer sites. Roughly 35 sites had five or more observations during the season, including between 10 and 15 sites with over 10 observations. The remaining sites that were active during 2008 had less than five observations, and a number of volunteers that had originally expressed interest did not submit any data. Data analysis will continue into early 2009, and final** results will be compiled as part of the Floatables Monitoring Progress Report to be submitted in conjunction with the CSO BMP Annual Report.
- ◆ 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.
- ◆ Based on the CY2007 results of the floatables monitoring program, site-specific investigations of the three sites with the most persistent poor floatables condition ratings

(i.e., BS-1, Plumb Beach Recreational; BS-29, Midland Beach Turtle Circle, and SHB-1, Sheepshead Bay) were **conducted during dry weather on August 21 and during wet weather on October 28**. The investigations included document and database reviews and field observations.

#### **Missed 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.
- ◆ Continued retrieval, compilation, and analysis of the 2008 volunteer floatables monitoring data from the public participation group (New York City Beach Floatables Survey Program).
- ◆ Continued compilation and analysis of **2008** monitoring data from the Harbor Water Quality Survey, the PCM program, and the Environmental Benefit Fund Shoreline Cleanup Program
- ◆ **Development of the CY2008 Floatables Monitoring Progress Report to be submitted in conjunction with the CY2008 CSO BMP Annual Report due on April 1, 2009.**



### **3.14. Environmental Benefits Projects**

The 2008 Modification to the CSO Consent Order stipulated not less than four million dollars (\$4,000,000) 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 in **Table 17** below. The March 2008 EBP Plan was approved 4/28/08. DEP has not submitted any alternative EBPs subsequent to the March 2008 submittal.

**Table 17 – 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	Status conference call with DEC to be held on October 24th
Actions:	<p>Continue coordination and scheduling with companion project being led by Dr. Franco Montalto. Information from this companion project is vital to the implementation of the BMPs under this proposal. Monitoring of baseline data of sewer flow within the 2-square block study area is complete and is now being used by Dr. Montalto to calibrate the subwatershed model. The companion project is currently performing data collection on various LID systems (e.g., Green Roofs, porous pavements, rainwater harvesting systems, etc.) for input into the model and eventual construction under the EBP.</p> <p>To gauge acceptance of BMPs and LIDs proposed for construction, the companion project, will schedule a homeowner's charrete for residents along the 2-square block study area.</p>	<p>Continue review of existing property data and started watershed field work to identify appropriateness and substantial technical issues of individual parcels. All Flushing GIS desktop vacant parcel analysis and field work assessment for 1,979 properties is currently underway. Approximately 25% of the parcels have been reviewed in the field so far.</p> <p>Continue to develop draft Grant Application forms using existing Grant Program applications that will be tailored to specific area requirements. Draft review copy by late January or early February 2009.</p>	<p>All Gowanus watershed GIS desktop vacant parcel analysis has been completed. Field work assessment for 316 properties has also been completed.</p> <p>Continue to develop draft Grant Application forms using existing Grant Program applications that will be tailored to specific area requirements. Draft review copy by late January or early February 2009.</p> <p>When Flushing watershed field assessment is complete, a narrative summary will be developed for both Gowanus and Flushing watersheds and submitted for review and comment.</p>	

<i><b>Plan Elements:</b></i>	<i><b>Bronx River</b></i>	<i><b>Flushing Bay and Creek</b></i>	<i><b>Gowanus Canal</b></i>	<i><b>DEC US Forestry Service Grant</b></i>
Cost:	Budget: \$850,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$1,450,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$250,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0
Status:	<b>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.</b>	Continue field verification of individual parcels and <b>continue</b> development of Grant Application for DEC review and approval.	<b>Begin preparation of narrative summary of GIS and field analyses and continue development of Grant Application for NYSDEC review and approval.</b>	
Other Issues:				

## 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 September 2008:

**Table 18 – Consent Order Milestone Dates**

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
<b>I. Alley Creek CSO</b>			
<b>A. Facility Plan Development</b>			
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	-	June 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable East River Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Outfall and Sewer System Improvements</b>			
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
<b>D. CSO Retention Facility</b>			
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	29
<b>E. Drainage Basin Specific LTCPs</b>			
1. Submit Approvable Drainage Basin Specific LTCP for	-	6 mos. after	50

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	Alley Creek		approval of I.B.1.	
	2. Submit Approvable Drainage Basin Specific LTCP for East River	-	6 mos. after approval of I.B.2.	50
<b>II. Outer Harbor CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
<b>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>				
	1. Initiate Final Design	Jan. 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	April 2005	100
	3. Notice to Proceed to Construction	Feb. 2006	-	100
	4. Construction Completion	-	July 2008	100
<b>D. Regulator Improvements – Automation</b>				
	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	-	June 2010	40
<b>E. Port Richmond Throttling Facility</b>				
	1. Initiate Final Design	June 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	Aug. 2005	100
	3. Notice to Proceed to Construction	June 2006	-	100
	4. Construction Completion	-	Dec. 2008	67
	F. Submit Approvable Drainage Basin Specific LTCP for Open Waters	-	6 mos. after approval of II.B.1.	50
<b>III. Inner Harbor CSO</b>				
<b>A. Facility Plan Development</b>				
	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>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>				
	1. Initiate Final Design	Mar. 2000	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2002	100
	3. Notice to Proceed to Construction	Feb. 2003	-	100
	4. Construction Completion	-	Apr. 2006	100
<b>D. Regulator Improvements – Automation</b>				
	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	-	June 2010	40
<b>E. In-Line Storage</b>				
	1. Initiate Final Design	July 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	66
F.	Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	6 mos. after approval of III.B.1.	50
<b>IV. Paerdegat Basin CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
	3. Submit Form 2A SPDES Application	-	July 2002	100
<b>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report	-	Mar. 2003	100
<b>C. Influent Channel</b>				
	1. Initiate Final Design	Oct. 1994	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
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
<b>D. Foundations and Substructures</b>			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Aug. 2001	100
3. Notice to Proceed to Construction	June 2002	-	100
4. Construction Completion	-	Feb. 2009	97
<b>E. Structures and Equipment</b>			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2004	100
3. Notice to Proceed to Construction	Sept. 2005	-	100
4. Construction Completion	-	May. 2011	78
F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov. 2005	100
Submit Joint Application Permit to USACE and DEC to associated with dredging at the head-end and mouth of Paerdegat Basin		December 2008	100
<b>V. Flushing Bay CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. CS4-1 Reroute and Construct Effluent Channel</b>			
1. Initiate Final Design	Oct. 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sept. 1994	100
3. Notice to Proceed to Construction	June 1995	-	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	4. Construction Completion	-	June 1996	100
D. CS4-2 Relocate Ballfields				
	1. Initiate Final Design	Oct. 1992	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 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	-	Sept. 1996	100
	3. Notice to Proceed to Construction	July 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
	4. Construction Completion	-	Dec. 2004	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	-	June 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



ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
<b>VI. Jamaica Tributaries CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	April 2003	100
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Meadowmere &amp; Warnerville DWO Abatement</b>			
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	-	Mar. 2009	84
<b>D. Expansion of Wet Weather Capacity of Jamaica WPCP</b>			
1. Initiate final Design	June 2009	-	-
2. Submit Form 2A SPDES Application	-	June 2010	-
3. Final Design Completion Including CPM Analysis	-	June 2011	-
4. Notice to Proceed to Construction	June 2012	-	-
5. Construction Completion	-	June 2015	-
<b>E. Destratification Facility</b>			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2007	100
3. Notice to Proceed to Construction	Apr. 2009	-	0
4. Construction Completion	-	Nov. 2010	-
<b>F. Laurelton and Springfield Blvd.</b>			
1. Submit Drainage Plan for Storm Sewer Build-out (extension granted by DEC letter, 2/29/08)	-	May 2008	100
<b>G. Regulator Automation</b>			
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

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	4. Construction Completion	-	June 2010	30
<b>H. Drainage Basin Specific LTCPs</b>				
	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
<b>VII. Coney Island Creek CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Apr. 2003	100
<b>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Avenue V Pumping Station Upgrade</b>				
	1. Initiate Final Design	April 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	42
<b>D. Avenue V Force Main</b>				
	1. Initiate Final Design	Apr. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2006	100
	3. Notice to Proceed to Construction	July 2007	-	100
	4. Construction Completion	-	June 2012	45
	E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	6 mos. after approval of VII.B.1.	50
<b>VIII. Newtown Creek CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Oct. 2003	100
<b>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Aeration Zone I</b>				

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
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	65
<b>D. Aeration Zone II</b>				
1.	Initiate Final Design	June 2007	-	100
2.	Final Design Completion Including CPM Analysis	-	June 2010	<5
3.	Notice to Proceed to Construction	June 2011	-	-
4.	Construction Completion	-	June 2014	-
<b>E. Relief Sewer / Regulator Modification</b>				
1.	Initiate Final Design	June 2007	-	100
2.	Final Design Completion Including CPM Analysis	-	June 2009	10
3.	Notice to Proceed to Construction	June 2010	-	-
4.	Construction Completion	-	June 2014	-
<b>F. Throttling Facility</b>				
1.	Initiate Final Design	Dec. 2005	-	100
2.	Final Design Completion Including CPM Analysis	-	June 2008	100
3.	Notice to Proceed to Construction	June 2009	-	-
4.	Construction Completion	-	Dec. 2012	-
<b>G. CSO Storage Facility</b>				
1.	Initiate Final Design	Nov. 2010	-	-
2.	Submit Form 2A SPDES Application	-	Nov. 2013	-
3.	Final Design Completion Including CPM Analysis	-	Nov. 2014	-
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
<b>IX. Westchester Creek CSO</b>				
<b>A. Facility Plan Development</b>				
1.	Submit Modified Facility Plan Report	-	Apr. 2003	100
2.	Submit Form 2A SPDES Application	-	June 2009	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	July 2004	June 2007	100
<b>C. Phase I (Influent Sewers)</b>			
1. Initiate Final Design	Jan. 2004	-	100
2. Final Design Completion Including CPM Analysis	-	June 2010	20
3. Notice to Proceed to Construction	June 2011	-	-
4. Construction Completion	-	June 2015	-
<b>D. CSO Storage Facility</b>			
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
<b>X. Bronx River CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Sept. 2003	100
2. Submit Additional Modified Facility Plan Report	-	Mar. 2004	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Floatables Control</b>			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	July 2008	100
3. Notice to Proceed to Construction	June 2009	-	-
4. Construction Completion	-	June 2012	-
D. Submit Approvable Drainage Basin Specific LTCP for Bronx River	-	Aug. 2009	50
<b>XI. Hutchinson River CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	July 2003	100
2. Submit Form 2A SPDES Application	-	June 2009	-
<b>B. Comprehensive Watershed Planning</b>			

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Phase I of the Storage Facility				
	1. Initiate Final Design	Apr. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2010	10
	3. Notice to Proceed to Construction	June 2011	-	-
	4. Construction Completion	-	June 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
<b>XII. Jamaica Bay CSO</b>				
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	-	June 2007	100
	2. Submit Approvable Spring Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
	3. Submit Approvable Fresh Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
	4. Submit Approvable Hendrix Creek Waterbody / Watershed Facility Plan Report	-	June 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	-	June 2003	100
	4. Notice to Proceed to Construction	Mar. 2003	-	100
	5. Construction Completion	-	April 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	-	June 2007	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	3. Notice to Proceed to Construction	-	June 2008	100
	4. Construction Completion	-	June 2010	25
E. Hendrix Creek Dredging				
	1. Initiate Final Design	Jan 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2007	100
	3. Notice to Proceed to Construction	-	August 2009	-
	4. Construction Completion	-	August 2011	-
F. 26th Ward Wet Weather Expansion				
	1. Initiate Final Design	June 2006	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2010	15
	3. Submit Form 2A SPDES Application	-	June 2009	-
	4. Notice to Proceed to Construction	June 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 Spring Creek	-	Aug. 2012	50
	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
<b>XIII. Citywide Comprehensive Floatables Plan</b>				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Dec. 2004	100
<b>XIV. Submit Approvable City-Wide LTCP</b>				
		-	Dec 2017	-

## **5.0. Community Relations**

**A Coney Island Creek public meeting was held November 12, 2008 at Community Board 13 in Brooklyn to review and receive input on the Coney Island Creek Waterbody/Watershed Plan**

**The Draft Sustainable Stormwater Management Plan, written to incorporate source control stormwater BMPs into the design and construction of both public and private projects to reduce pollution from untreated discharges and CSOs, was released on October 1, 2008 and accepted public comments until October 31, 2008.**

## **6.0. Key Personnel Changes**

As of December 17, 2008, Ms. Elizabeth Rogak, Esq. has resigned from DEP Legal. All correspondence should be sent to Ms. Heather Donnelly, Esq.



## **7.0. Other Issues**

As identified in the report, the following issues may materially affect the work required by this Order:

### **1. Paerdegat Basin CSO**

**DEP submitted a Request for Modification of a Minor Milestone associated with the Paerdegat Basin Foundations and Substructures work 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.**

**The Surety will proceed with the remaining marine work including the removal of the north access road and slurry wall by Gramercy Construction Group. The Surety will proceed with the instrumented tiedown anchor work with Moretrench as the completing contractor. The Surety will proceed with the removal of defunct construction equipment on the Parks and Recreation department property by Gramercy Construction Group. The civil work completing contractor Skanska will continue rubbing and patching concrete in the CSO Tanks; continue installing reinforcing steel for the effluent trough in the CSO Tanks and continue installation of training walls in the CSO Tanks.**

### **2. Jamaica Tributaries CSO**

DEP submitted a Notice of Force Majeure and a Request for Modification of milestones associated with the Shellbank Basin Destratification facility to the DEC on June 9, 2008. The basis for the request was an unanticipated permit stipulation by DEC to conduct additional water quality monitoring during the summer of 2008.

**DEP completed the water quality monitoring program, however, to date, no permit has been received from DEC to advance this project.**

### **3. Jamaica Bay CSO**

DEP submitted the Jamaica Bay and CSO Tributaries Waterbody/Watershed Plan to DEC on June 30, 2007, as required by the Order. This report documents a more effective CSO management strategy, as compared to the expansion of the wet weather capacity of the Jamaica WPCP. This alternative to treatment plant expansion relies on sewer system improvements to maximize the use of the plant's 200 mgd wet weather capacity.

**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 this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, based on discussions with the DEC this modification request will need to be modified to achieve construction completion in a similar time frame as current mandated projects and will include a period to conduct field flow measurements. To date, no response has been received.**

### **4. Additional Waterbody/Watershed Modification Requests**

In accordance with the CSO Consent Order; the DEP proposed modifications to the Newtown Creek, Westchester Creek, and Hutchinson River CSO plans as part of the June 30, 2007 - Waterbody/Watershed Plans submittal. These revised plans would require modifying particular milestones currently contained in the CSO consent order and that DEP believes would achieve equivalent or better water quality benefits. It is important to resolve this issue as soon as possible, as many of these consent order milestones that the WB/WS Plans proposed to modify have already commenced or are scheduled to commence in the near future. The DEP is currently revising its consent order modification request to try to expedite design and construction of the proposed elements to the maximum extent possible.

#### **5. Alley Creek CSO - Abatement Facilities – Phase I, Stage 2, Contract ER-AC2**

In mid-November 2007, the DEP issued a registered letter to the DEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date. An update on this Force Majeure event was submitted to DEC in a letter dated August 20, 2008.

#### **6. Outer Harbor CSO - Phase II Throttling Facility**

DEP submitted a Notice of Force Majeure in November 2007 to DEC due to an unanticipated subsurface condition encountered by the contractor. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date. On February 15, 2008, DEP submitted an update to the November 2007 Force Majeure event. Another update was submitted to DEC in a letter dated August 29, 2008.

**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**

#### **7. Inner Harbor CSO – 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 to DEC in a letter dated August 20, 2008.

#### **8. Jamaica Tributaries – Warnerville Pump Station and Force Main**

DEP submitted a Notice of Force Majeure on February 15, 2008 to DEC due to unanticipated subsurface conditions encountered by the contractor. DEP has not yet determined the impact this event will have on compliance with the construction completion milestone date. An update on this Force Majeure event was submitted to DEC in a letter dated August 20, 2008.

## **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.

**APPENDIX A**  
**CONSENT ORDER CERTIFICATION LETTERS**



**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

96-05 Horace Harding Expressway  
Corona, New York 11368

December 31, 2008

Mr. Joseph DiMura, P.E.  
Director  
Bureau of Environmental Compliance  
New York State Department of Environmental Conservation  
Division of Water  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3500

Steven W. Lawitts  
Acting Commissioner

**Re: Order on Consent (CSO Order)  
DEC Case #CO2-20000107-8  
Certification of Construction Completion for  
Newtown Creek CSO Aeration Zone I**

James G. Mueller, P.E.  
Deputy Commissioner

Tel. (718) 595-5973  
Fax. (718) 595-5999  
[jmueller@dep.nyc.gov](mailto:jmueller@dep.nyc.gov)

**Bureau of Engineering  
Design & 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 (DEP). Specifically, construction has been completed for Newtown Creek Aeration Zone I, in conformance with Milestone VIII.C.4 in Appendix A of the Order and the facility has been placed in operation. Certain work items not related to the operations of the aeration facility and not required for certification of the milestone will be completed beyond the milestone date. In accordance with an October 28, 2008 email from DEC, DEP believes that DEC is in agreement on the work necessary to certify compliance with Milestone VIII.C.4 set forth in Appendix A of the Order. Attached, please find the certification memorandum from the construction manager.

Please contact me at (718) 595-5973 if you have any questions regarding this certification.

Very truly yours,

James G. Mueller, P.E.  
Deputy Commissioner



[www.nyc.gov/dep](http://www.nyc.gov/dep)

cc: James Dezolt, P.E.  
Director, Division of Water  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-3500

Water Compliance Counsel  
New York State Department of Environmental Conservation  
Division of Environmental Enforcement  
625 Broadway, 14<sup>th</sup> Floor  
Albany, NY 12233-5500

Gary E. Kline, P.E.  
Division of Water  
New York State Department of Environmental Conservation  
625 Broadway 4<sup>th</sup> 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 21<sup>st</sup> Street  
Long Island City, New York 11101

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

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

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



## MEMORANDUM

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

96-05 Horace Harding Expressway  
Corona, New York 11368

**Steven W. Lawitts**  
Acting Commissioner

**James G. Mueller, P.E.**  
Deputy Commissioner

Tel. (718) 595-5973  
Fax. (718) 595-5999  
[jmueller@dep.nyc.gov](mailto:jmueller@dep.nyc.gov)

**Bureau of Engineering  
Design & Construction**

**TO:** Michael Borsykowsky, P.E.  
Assistant Commissioner  
Bureau of Engineering Design and Construction

**FROM:** Reza Marandi, P.E.  
Division Chief, Water Quality Construction

**DATE:** December 31, 2008

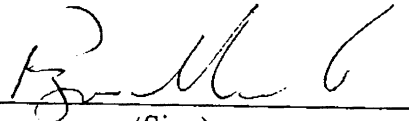
**SUBJECT:** Newtown Creek CSO Aeration Zone I  
DEC Case #CO2-20000107-8  
Certification of Construction Completion of Operational  
Components

This memorandum provides certification that the facilities necessary to operate the Newtown Creek CSO Aeration Zone I Facility in accordance with the Consent Order have been constructed in conformance with the approved plans and specifications. Specifically, the blowers and required support equipment for the operational intent of the Facility have been completed and are online. In addition, certain work items not related to the operational intent of the project will be completed beyond the December 31, 2008 milestone: this includes construction of the storm and sanitary sewers, completion of the bathroom, and final site / civil work.

This work has been constructed and made operational in accordance with Milestone VIII.D.4 in Appendix A of the above referenced Order. In an email dated October 28, 2008, DEC confirmed that the construction completion of the work not related to the operational intent of the project, ie. storm and sanitary sewers, completion of the bathroom and final site/civil work, was not necessary for certification of the construction completion milestone.



(Seal)

  
(Sign)

Reza Marandi, P.E.  
(Print)

12/31/08  
(Date)





DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

96-05 Horace Harding Expressway  
Corona, New York 11368

**Steven W. Lawitts**  
**Acting Commissioner**

**James G. Mueller, P.E.**  
**Deputy Commissioner**

Tel. (718) 595-5973  
Fax. (718) 595-5999  
[jmueller@dep.nyc.gov](mailto:jmueller@dep.nyc.gov)

**Bureau of Engineering  
Design & Construction**

DEC 30 2008

Mr. John Cryan  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
1 Hunters Point Plaza  
47-40 21st Street  
Long Island City, New York 11101

Re: New York City Department of Environmental Protection – Permit Application for  
Environmental Dredging of Paerdegat Basin

Dear Mr. Cryan:

The New York City Department of Environmental Protection (NYCDEP), is submitting this Joint Application for Permit (JAP) (see Exhibit 1) for proposed dredging of bottom sediments in Paerdegat Basin, a tributary to Jamaica Bay located in Borough of Brooklyn, New York (see Figure 1 of Exhibit 2).

#### **I. Background**

In accordance with an Order on Consent with the NYSDEC (Case No. C02-20000107-8), the NYCDEP has developed a strategy to minimize impacts to New York City's receiving waters from existing Combined Sewer Overflows (CSOs). Part of this strategy involves the dredging of CSO sediments which have accumulated three feet above mean lower low water in Paerdegat Basin. These accumulated sediments have resulted in the generation of intermittent nuisance odors due to hydrogen sulfide emissions from decaying matter in CSO sediment discharged to the Paerdegat Basin. This proposed work also includes removal of shoaled sands at the Basin Mouth that impede recreational navigation and restrict tidal exchange with Jamaica Bay.

Sampling of sediments of interest was completed in June and August 2008. Results of the sampling analysis indicated that the material to be dredged ranges from Class C high contamination (at the head-end) to Class A non-hazardous (at the mouth), in accordance with new York State Department of Environmental Conservation (NYSDEC) *Technical Operation and Guidance Series 5.1.9 In-Water and Riparian management of Sediment and Dredged Material* (NYSDEC 2004) (TOGS 5.1.9). Based on these results, a Conceptual Design for Dredging and Capping was prepared by O'Brien & Gere which is included herein as Exhibit 4.



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Government Information  
311 and Services for NYC



## **II. Jurisdictional Activities**

This JAP has been prepared to obtain permit coverage pursuant to Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, as well as NYSDEC permits covering Excavation and Fill in Navigable Waters, 401 Water Quality Certification, and Tidal Wetlands. The U.S. Army Corps of Engineers (USACE) and NYSDEC previously recommended that the NYCDEP seek authorization with an individual 10-year maintenance dredging permit rather than coverage under the Nationwide Permit (NWP) program since work under the NWP must be completed within one year. It is understood that NYSDEC permits are typically valid for a period for five years from issuance. However, NYCDOE is planning to construct the Belt Parkway Paerdegat Bridge; this may impact commencement of dredging. Therefore, NYCDEP also requests a NYSDEC permit extension to cover a period of ten years from issuance.

According to the NYSDEC Tidal Wetlands Map for the area, the open water portion of Paerdegat Basin, where dredging is proposed, is a "littoral Zone" tidal wetland. No mapped freshwater wetlands exist in the vicinity of the project area. The proposed dredging will remove CSO sediments and shoaled sands. Following dredging, a cap of clean sand will be placed within the head-end area. No impacts to wetlands above the ordinary high water mark are anticipated. Construction means and methods, as well as measures to minimize impacts to open water areas, are provided within the report entitled Conceptual Basis of Design for Dredging and Capping (Exhibit 4).

Dredging within the canal was previously permitted under USACE Permit #2001/00617 and NYSDEC Permit #2-6105-00203/00001, 00002, 00004. This Permit covers the construction of the Paerdegat Basin CSO Retention Facility, and includes dredging of 20,000 cys of material from the entrance channel at the Jamaica Bay end of the Basin; 38,000 cys at the CSO end of the basin. The potential impacts to dredging have been evaluated as part of the Final Environmental Impact Statement (Exhibit 9) for the Paerdegat Basin Water Quality Facility Plan dated March 1994. This unlisted action received coordinated review under SEQRA guidelines. A negative declaration was issued and is not expected to have a significant impact on the environment.

Only the portion of permitted dredging immediately in front of the CSO Retention Facility discharge is anticipated to be completed prior to the permit expiration on February 22, 2009. Accordingly, we hereby submit the following materials for your review:

### **Exhibits**

1. Joint Application for Permit
2. Conceptual Design Figures – including photographs
3. Supplemental Environmental Questionnaire
4. Paerdegat Basin Dredging Conceptual Design
5. Permission to Inspect Property Supplement
6. NYSDEC Environmental Resources Mapper
7. Typical Dredging Specification
8. Essential Fish Habitat
9. Final Environmental Impact Statement (1994) provided on CD
10. Federal Consistency Assessment Form Submittal (correspondence copy only)
11. Waterfront Revitalization Assessment Submittal (correspondence copy only)

We trust that the enclosed information provides sufficient information to initiate the review process to authorize the proposed dredging of Paerdegat Basin. If you need additional information, please contact Keith Mahoney, Division Chief, at (718) 595-5972.

Very truly yours,

  
James G. Mueller, P.E.  
Deputy Commissioner

cc: K. Mahoney – NYCDEP  
D. Chao - NYCDEP  
D. Marulanda - NYCDEP (w/attach)  
M. Klein - NYCDEP (w/attach)  
M. Borsykowsky - NYCDEP  
G. Nieves - USACOE  
S. McCormick, P.E., - NYSDEC  
S. Zahn – NYSDEC

## **NYSDEC/NYCDEP CSO Consent Order Quarterly Meeting**

### **Meeting Minutes**

November 20, 2008

DEP Offices  
Corona, NY

The quarterly meeting to discuss issues related to the Combined Sewer Overflow (CSO) Consent Order was held on November 20, 2008 in the 5<sup>th</sup> Floor East Conference Room of NYCDEP offices at Lefrak City in Queens. Keith Mahoney (NYCDEP) welcomed representatives of NYSDEC and NYCDEP to the meeting and introduced Dorothy Chao (NYCDEP), who presented much of the technical material. The agenda of the meeting and the sign-in sheet are attached. *Note that several members of NYSDEC's legal team were present via teleconference.*

#### **1. Review of Previous Quarterly Meeting Minutes**

Susan McCormick (NYSDEC) stated that she did not recall discussing the date for the Bronx River plan as documented in the 2<sup>nd</sup> quarter 2008 quarterly progress meeting minutes. She also provided several additional comments and corrections:

- Item 4.e. – DEC has not received an update for the “Other” Force Majeures listed on the agenda and requested that they be provided.
- Item 5 – The revised construction completion date for Hendrix Creek is 8/15/2011, not 2010.
- Item 6 – The DEC did not agree with DEP's assessment and conclusions regarding the PCM for Hendrix Creek dredging. DEC stated that they thought DEP's approach would be acceptable to DEC Marine Resources, but would need verification. Since that time, Marine Resources has stated that they will consider the data gathered from the Hendrix dredging when evaluating other dredging permit applications, but site specific evaluations may still be needed. Elizabeth Rogak (NYCDEP) noted that region representatives were not present and that they should be invited to the next quarterly meeting to provide input.

NYSDEC offered the following comments on CSO Quarterly Report - Third Quarter 2008:

- Page 1-1: The dates associated with the Hendrix dredging permit are incorrect. The permit is effective as of 8/15/08 and therefore, NTP date is 8/15/09 and the construction completion date is 8/15/2011. Additionally, the PCM plan was not received by either DEC Region 2 or Albany. *The PCM was e-mailed after the 11/20/08 meeting with a copy of the tracking receipt attached verifying that the package was sent via USPS Express Mail to Steve Zahn of Region 2.*
- Table 3: The status column added to the table for the DEP presentation should also be included in Table 3 from now on.

- Page 2-2, Table 4: Jamaica Bay, Hendrix Creek Dredging – as the construction has not started, it is not 13% complete. *DEP Response: The table shows 13% time elapsed, not construction completion; % construction completion is blank.*
- Page 3-2, second to last bullet: What does this mean? “...to establish a Contract Allowance for future unexpected requirements of oversight agencies.”
- Section 3.4: There is no discussion as to whether the Contract 4B milestone will be met by February 28, 2009. This should be discussed in either this section or Section 7.
- Page 3-23: There is no design section for “Anticipated Activities for Next Quarter” for this project. There should be one that discusses the acquisition status of the DEC permits.
- Page 3-42: See comment #1 above regarding the appropriate dates for the Hendrix Creek dredging project. Also, it is stated that the USACE permit was expected “this quarter.” Was it received in Q3? If not, discuss when it will be completed. The presentation indicated that the DEP would not be submitting the permit application package to the USACE until December 1<sup>st</sup>. What is correct? *DEP Response: The USACE permit package was submitted as a Joint Application Permit, dated June 18, 2007. At the request of DEC and USACE, DEP revised the cap design and permit application package and resubmitted on March 26, 2008. DEP received 2 unsigned copies of the draft USACE permit dated Oct. 1, 2008. DEP signed the permit and returned to USACE on Nov. 21, 2008. Therefore, DEP is not submitting a permit **application** package by December 1<sup>st</sup>, but has returned the permit to USACE with authorized DEP signatures.*
- Page 3-46: The EBP plan was not automatically approved 120 days after submission as stated. The DEC approved the EBP plan by letter dated 4/28/08.
- Section 3.14: A more detailed discussion is required regarding the preparation of the Grant Application packages: what is the status, when will DEC see a draft, will the schedule in the approved plan be met? The same goes for the field verification work.
- Page 4-9: Bronx River, Floatables Control, Final Design Completion is at 100%, not 95%.
- Page 7-1, #4, the last sentence in bold: What project is this sentence referring to? *DEP Response: DEP is referring to the Newtown Creek and Jamaica Modification requests.*

## **2. Discussion of 3rd Quarter 2008 Citywide CSO Progress Report and Milestones**

Two milestones were successfully completed in the third quarter of 2008 consistent with the existing CSO Consent Order:

- Construction Completion of the fixed orifice regulator improvements in Outer Harbor
- Final Design Completion (inclusive of a CPM analysis) for the Bronx River floatables control facility. Dorothy Chao (NYCDEP) indicated that comments from NYSDEC had been received on the design and they are under review.

Three milestones NYCDEP has identified for consideration of potential modification include:

- The Initiate Final Design milestone for the Jamaica Tributaries Expansion of Wet Weather Capacity of Jamaica WPCP milestone. Dorothy Chao indicated that the most recent request had been submitted this week; Robyn Adair (NYSDEC) indicated that they had received the request.
- The Final Design Completion (with CPM analysis) and Notice to Proceed to Construction milestones for the Jamaica Tributaries Destratification Facility. NYCDEP submitted a Modification Request in June of 2008 and have been waiting for direction from NYSDEC.
- The Construction Completion milestone for the Outer Harbor Port Richmond Throttling Facility. A Modification Request has been submitted

Three milestones are to be met in the coming quarter:

- The Construction Completion milestone for the Outer Harbor Port Richmond Throttling Facility is due December 2008. As noted previously, the Modification Request has been submitted.
- Submit the joint NYSDEC/USACE Dredging Application for Environmental Dredging in Paerdegat Basin. This is not a milestone in Appendix A of the Consent Order but is a component of the approved LTCP and was committed to be completed December 2008. This milestone is on schedule.
- The Construction Completion milestone for the Newtown Creek Aeration Zone I is due December 2008. This is on schedule. Keith Mahoney (NYCDEP) noted that Kevin Clarke (NYCDEP) and Susan McCormick (NYSDEC) had discussed certain elements of construction that may not be completed. Susan McCormick agreed that items such as trees and asphalt that are not in the Consent Order do not need to be completed by the Consent Order milestone date as long as the facility is operable by the date. Kevin Clarke (NYCDEP) expects the facility to be operational on time. Susan McCormick noted that she had sent questions to Kevin Clarke regarding the sampling plan. Kevin Clarke indicated that responses have been prepared and that they will be delivered to her soon, maybe tomorrow (Friday).

### **3. Status of Specific Consent Order Projects – Paerdegat Basin Foundations/Substructures**

Dorothy Chao (NYCDEP) noted that the 4B contractor was defaulted in December 2007 and provided a status update on the subsequent recovery process. The surety received bids on the remaining 4B work on May 23, 2008, received no bids for civil work, and two bids for marine work. Because no bids were received, surety negotiated the civil work with the 5G contractor, and issued the Notice to Proceed on September 29, 2008. The surety resubmitted the Completing Marine Contractor to ACCO, and Elizabeth Rogak said that she believes that the contractor (Gramercy) is in the process of ACCO review. Mike Borsykowski (NYCDEP) noted that the February 2009 Construction Completion milestone is in jeopardy as a consequence of the 4B contractor default, and James Mueller (NYCDEP) made it clear that NYCDEP has kept NYSDEC apprised of this situation enough that this process should not be considered new or surprising.

Susan McCormick asked if the tie-down work is part of Skanska's contract, and Mike Borsykowski stated that he was unsure but would check. Susan McCormick stated that all marine work must be completed for the tank to be operable since the tide gates must be operable for the facility. Because the 4B work will probably not meet the February 2009 milestone, Susan McCormick noted that the Modification Request should be submitted by the end of December 2008, and Elizabeth Rogak (NYCDEP) agreed.

Susan McCormick asked about the status of responding to her NY2A form, and noted that the SPDES permit must be in place before the tank goes online. Dorothy Chao (NYCDEP) said that DEP is working on it, and Elizabeth Rogak reminded Dorothy Chao that the legal department needs to see it before it is resubmitted.

Robyn Adair (NYSDEC) said that she is waiting on the status and Elizabeth Rogak stated that NYCDEP will have a better understanding of it once the contracting has been arranged

### **4. Force Majeures**

#### **a. Outer Harbor Port Richmond Throttling Facility**

The force majeure is due to unanticipated dewatering needs, and a new Construction Completion milestone of November 2009 has been projected. Susan McCormick stated that the contractor was expecting to be done in April 2009 based on a meeting at the construction site, to which Kevin Clarke responded that NYCDEP is requesting the full extent of the delay as opposed to the expected completion date; NYCDEP and the contractor have been working together to speed up the work. Elizabeth Rogak noted that NYCDEP is entitled to request the extent of the delay in the force majeure notice.

#### **b. Alley Creek CSO Retention Facility**

The force majeure is due to unanticipated additional work associated with a deteriorated 36" influent sewer to the Old Douglaston PS. NYCDEP is working with the contractor who has completed change order work and a revised CPM is being developed. An update letter was submitted in August that anticipated an 11 month delay.

Susan McCormick stated that she had expected to receive a "recovery plan" in July but has not yet received it. She noted that she talked to someone on the site who told her that "nothing was in the works." Elizabeth Rogak inquired as to who this person was; Susan McCormick responded that his first name was Ahmed but she did not get his last name. In response, Elizabeth Rogak recommended to Susan McCormick that she should be sure to direct her questions to an appropriate NYCDEP manager, to which McCormick said she asked to speak to someone from DEP and they directed her to Ahmed.

Joseph DiMura (NYSDEC), speaking directly to James Mueller (NYCDEP) stated that this had the appearance of censorship, and that NYSDEC people should be free to ask whomever they see fit. James Mueller assured Joseph DiMura that he has personally briefed his chiefs on NYSDEC's site visit prerogative and directed all staff to be as open and accommodating as possible, but James Mueller noted that information sources may not be accurate, and people who are asked may provide answers based on incomplete or anecdotal information, so the preferred source is an appropriate NYCDEP project manager. As a solution, Susan McCormick recommended a monthly conference call with NYCDEP chiefs, and James Mueller agreed that this was a good idea. James Mueller requested that Susan McCormick arrange this call through Dorothy Chao.

Matthew Osit (NYCDEP) explained the delays associated with developing the recovery schedule.

Mike Borsykowski later returned after finding out who Ahmed was and learned that he was a recent transfer from the Paerdegat job site.

**c. Meadowmere & Warnerville DWO Abatement**

The February 2008 force majeure is due to unanticipated subsurface conditions. Dorothy Chao (NYCDEP) enumerated several issues associated with subsurface conditions that have substantially hindered horizontal directional drilling (HDD) activities. Kevin Clarke requested clarification of the Construction Completion definition, because there will not be flow available at the completion date: homeowners will have up to 6 months to tap into the newly constructed sewers at their own expense, and until they do, there will be no flow even though the pump station will be capable of being placed into service. Susan McCormick responded that the service connections are not part of the Consent Order but that the system must be operational, including all performance testing, by the Construction Completion milestone date.

**d. Inner Harbor In-Line Storage**

The force majeure is due to unanticipated subsurface conditions and due to the equipment manufacturer being discontinued. Oilstatic Con-Ed lines found during the excavation have been rerouted by contractor. NYCDEP issued an update letter in August 2008.

**5. Modification Requests**

**a. Jamaica WPCP Wet Weather Expansion**

The Modification Request was submitted last Friday that was based on agreement at the last Quarterly Meeting and ongoing bi-monthly technical discussions. Susan McCormick stated that she had reviewed it but was unable to comment on it until she conferred with Gary Kline (NYSDEC), who is scheduled to return from leave on December 1, 2008. She noted that NYCDEP had expedited the schedule as NYSDEC had requested previously.

**b. Shellbank Basin Destratification**

The Modification Request has been submitted to based on NYSDEC's request for additional water quality data. Susan McCormick stated that she had talked to Steve Zahn and {missed first name} Walker, both of NYSDEC Region 2. According to Susan McCormick, Steve Zahn said "the system being on is not deleterious to habitat" but he will provide a definitive official review in a couple of weeks.

**c. Newtown Creek (pending)**

The Modification Request and Technical Justification have been drafted for all remaining Consent Order Elements (Zone II Aeration, CSO Storage Tank, Regulator Modifications /Relief Sewer, Kent Ave Throttling Facility) but the documents are still being finalized by NYCDEP. Dorothy Chao stated that a version of this was inadvertently sent to NYSDEC who nonetheless commented that the schedule was too long. NYCDEP is attempting to compress the schedule.

**6. NYSDEC Permits**

**a. Shellbank Basin Destratification**

This issue was discussed under item 5(b).

**b. Dewatering for Ave V Force Mains**



The SPDES Permit Application has been received by NYSDEC. The Long Island Well Permit Application from Contractor is still under NYCDEP review. Kevin Clarke noted that it is very close to being submitted to NYSDEC.

**c. Paerdegat Basin Environmental Dredging**

This issue was discussed previously.

**d. Hendrix Creek Joint Dredging Permit**

NYCDEP received the NYSDEC approval letter dated August 5, 2008, and will be submitting backup information by December 1, 2008. Since it is a joint permit the USACE Permit Application Package was sent October 1, 2008, and Keith Mahoney indicated that he believed there would be an issuance of the permit. However, he noted that the application process includes more than one submittal point (i.e., USACE provides preliminary approval that NYSDEC needs to review their portion, after which it is re-submitted to USACE for final approval) and that NYCDEP's procurement process is impacted by these permits. Peter Young noted that in any event the contractor must provide 30 days notice before dredging commences. Susan McCormick noted that the NYSDEC permit was effective August 15, 2008 (not August 1<sup>st</sup> as noted in certain NYCDEP documents), and that the permit stipulated a post-construction monitoring program to be provided to NYSDEC. Dorothy Chao indicated that this had been sent to NYSDEC October 4, 2008, but Susan McCormick stated that she never received it. Dorothy Chao and Kevin Clarke agreed to check into the delivery of that document.

**Additional NYSDEC Permitting Issue**

Susan McCormick stated that she responded with a NOIA at the end of October for oxygenation on Gowanus. Kevin Clarke stated that the EAS is in process.

**7. Status of DEC Reviews of WB/WS Reports and Resource Planning**

NYCDEP has received NYSDEC comments on Gowanus Canal, Coney Island Creek, Alley Creek and Little Neck Bay, Flushing Bay and Creek, and Jamaica Bay and CSO Tributaries. Comments have been addressed for Gowanus (resubmitted August 2008), Coney Island Creek (resubmitted September 2008), and Alley Creek and Little Neck Bay (to be resubmitted November 2008). Dorothy Chao indicated that NYCDEP would be requesting an extension on the Flushing Bay and Creek revision due to complexity of comments and the possibility of breaking it into two separate documents. The Jamaica Bay and CSO Tributaries cannot be updated until NYSDEC makes a determination regarding the associated Modification Request. Susan McCormick stated that this determination cannot be made until after Gary Kline returns from his extended leave on December 1, 2008. She noted that the Bronx River, Westchester Creek, and Hutchinson River documents are being reviewed simultaneously and are contingent on

the Hunts Point sewershed analysis that will continue in the meeting immediately following this Quarterly meeting. Susan McCormick stated that NYSDEC's comments on Newtown Creek have been finalized but they are waiting for resolution of the Modification Request, which may require updating the NYSDEC comments. She also noted that the Open Water report will be reviewed last as has been NYSDEC's intention for some time.

## **8. LTCP Expectations**

Gowanus is due 6 months after approval of the WB/WS Plan which was submitted to NYSDEC in August 2008. Peter Young stated that the more important issue is clarification of NYSDEC's LTCP expectations that were expressed in general terms during the regularly scheduled September 24, 2008 technical meeting at Alley Creek. Susan McCormick stated that NYSDEC must internally resolve their position on this matter and that she will discuss the matter with Gary Kline upon his return from extended leave, with the goal of having something in writing to discuss at an upcoming technical meeting. Elizabeth Rogak stated that she would prefer to have legal involved rather than having the discussion at a technical meeting.

## **9. NHT Funds**

Elizabeth Rogak stated that NYSDEC wanted to provide money to the Hudson River Foundation, but NYCDEP's preference is to use it as part of the Environmental Benefits Project funds, and that NYCDEP was looking for NYSDEC's response to this. Robyn Adair thought that the proposal presented at a previous Quarterly Meeting was not finalized and so did not respond. Susan McCormick and Robyn Adair expressed differing opinions on Elizabeth Rogak's proposal, and it was agreed that NYSDEC needed to discuss the matter internally before providing an answer.

## **10. IEMs**

Elizabeth Rogak stated that NYCDEP had received the proposal, but she felt that a longer discussion than the Quarterly Meeting would allow is necessary, and that a meeting should be set up to this end. Robyn Adair stated that a "lawyers call" was already underway as of today.

## **11. Miscellaneous**

- Susan McCormick asked about the status of the Hendrix Canal bending weir demonstration design in light of the recent collapse near the site. Design is underway. Mike Borsykowski stated that the hole presented an opportunity to rethink the design. Art Spangel (NYCDEP) indicated that the design originally was to be downstream of the overflow weir, so that the bending weir could serve as a

tide gate, an approach that BWT preferred. Keith Mahoney noted that NYCDEP was now considering placing it directly on the overflow weir.

- Susan McCormick noted an error in the Quarterly report on page 3-46 where it stated that the EBP was automatically approved it should have stated that written approval was given in April 2008. She also requested a status report on the RFG: she was hoping for a draft to review but had not received response from John McLaughlin (NYCDEP). Dorothy Chao stated that she will follow up.
- Robyn Adair sent a letter to NYCDEP regarding getting EBP money for the forestry grant matching funds. NYSDEC did not get a response from NYCDEP, so NYSDEC had EFC release \$250,000 for that purpose.
- Susan McCormick requested that the Quarterly report be updated to include that NYSDEC has determined that the fish kill earlier this fall was not related to turning off the Destratification Facility. She believed that the proximity of discussions on page 3-19 and the coincidence of the fish kill and turning off the facility might lead a reader to infer causality where none existed.

**12. The next quarterly meeting is scheduled for February 16, 2008 at a location to be determined.**

**NYSDEC/NYCDEP Quarterly CSO Consent Order Meeting  
Thursday November 20, 2008**

NYCDEP  
Lefrak City  
Queens, NY  
1:00 PM

**AGENDA**

- 2) Review of Previous Quarterly Meeting Minutes
- 3) Discussion of 3rd Quarter 2008 Citywide CSO Progress Report and Milestones
- 4) Status of Specific Consent Order Projects
  - a. Paerdegat Basin Foundations/Substructures
- 5) Force Majeure
  - a. Outer Harbor Throttling Facility
  - b. Alley Creek CSO Retention Facility
  - c. Meadowmere & Warnerville DWO Abatement
  - d. Inner Harbor In-Line Storage
- 6) Modification Requests
  - a. Jamaica WPCP Wet Weather Expansion
  - b. Shellbank Basin Destratification
  - c. Newtown Creek (pending)
- 7) DEC Permits
  - a. Shellbank Basin Destratification
  - b. Dewatering for Ave V Force Mains
  - c. Paerdegat Basin Environmental Dredging
  - d. Hendrix Creek Joint Dredging Permit
- 8) Status of DEC Reviews of WB/WS Reports
- 9) LTCP Expectations
- 10) NHT Funds
- 11) IEMs
- 12) Miscellaneous
- 13) Next Quarterly Meeting: February 16; Location – TBD

New York City Department of Environmental Protection  
Bureau of Engineering Design & Construction

5<sup>th</sup> Floor, Low Rise, East Conference Room  
November 20<sup>th</sup>, 2008, 1:00 PM

CSO Quarterly Meeting

Sign-in Sheet

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