



June 29, 2021

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Commissioner

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Dear Mr. Palmer and Ms. Lynch,

Enclosed is the DEP Response to the NYSDOH/USEPA Comments on 2017 FAD Deliverables that were submitted December 15, 2020 through July 30, 2021.

As always, if you have questions about these comments responses or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

David S. Warne Digitally signed
by David S. Warne
Date: 2021.06.29
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David S. Warne
Assistant Commissioner

c: T. Snow, DEC

DEP Response to NYSDOH/USEPA Comments on the FAD Deliverable Reports

Response Date: July 30, 2021

NYSDOH and USEPA Comments on FAD Deliverables due December 31, 2020

2.0 Surface Water Treatment Rule Filtration Avoidance Criteria Requirements

As required by the 2017 FAD, the City convened a public meeting with NYSDOH, USEPA, and NYSDEC, along with Watershed stakeholders, to discuss the major findings and recommendations of the expert panel review conducted by the National Academies of Science, Engineering, and Medicine. This meeting took place on December 8, 2020. Additional meetings were convened by the City in 2021 to further explore these recommendations.

DEP Response:

Comment Noted.

3.3 Community Wastewater Management Program

The 2017 FAD included due dates for construction completion of the West Conesville and Halcottsville community wastewater projects, both estimated to be completed by December 31, 2020. In October 2020, the City, in consultation with the Catskill Watershed Corporation (CWC) proposed revisions to those estimated dates. NYSDOH and USEPA agreed with the proposal to adjust the West Conesville construction completion date to September 30, 2021, and the Halcottsville design and construction completion dates to March 31, 2021 and March 31, 2023, respectively.

DEP Response:

Comment Noted.

The 2017 FAD also included an estimated design completion date for the Shokan community wastewater project of December 31, 2020. In November 2020, the City proposed to adjust that estimated date back two years to December 31, 2022. NYSDOH and USEPA agreed.

DEP Response:

Comment Noted.

4.2 Land Acquisition Program

As required by the 2017 FAD, the City submitted a status report on the Streamside Acquisition Program (SAP), which is funded by the City and implemented by the Catskill Center for Conservation and Development. The report notes that SAP has been a useful tool in protecting sensitive watershed lands in the Schoharie Basin, including properties that could not otherwise have been acquired under the core Land Acquisition Program.

DEP Response:

Comment Noted.

9.0 Administration

The 2017 FAD included a requirement to assign at least 26 NYCDEP staff to the new office building in Arkville, NY by December 31, 2020. The City reported that 19 staff had been assigned to the facility, with seven other vacant positions also assigned. A City hiring freeze due to the COVID-19 pandemic has prevented filling of those vacant positions, but the job posting and hiring process will proceed once the hiring freeze is lifted.

DEP Response:

Comment Noted.

NYSDOH and USEPA Comments on FAD Deliverables due February 28, 2021

4.4 Watershed Agricultural Program

The City provided an update on contracts and funding for the Watershed Agricultural Council (WAC). The CAT-403 contract was extended to the end of 2021 to allow WAC to invoice for unspent funds under that contract. The City also processed an amendment to the CAT-450 contract to allow WAC the use of certain funds on hand to support operational cash flow needs (those funds will later require restoration). Invoices have been processed under CAT-403 and CAT-487. The City also reported on the initiation of a third-party audit, the findings of which will help WAC develop and enhance its fiscal controls on future program work.

DEP Response:

Comment Noted.

4.6 Stream Management Program

The 2017 FAD requires the City to meet annually by February 28 with county contracting partners to review progress made in the previous year within each program area (Stream Projects, Catskill Streams Buffer Initiative, Stream Management Implementation Program, Local Flood Hazard Mitigation Program, and Education/Outreach/Training). This meeting was held on February 23, 2021, and attended by Soil and Water Conservation District (SWCD) representatives from Delaware, Greene, Sullivan, and Ulster Counties, along with Ulster Cornell Cooperative Extension (CCE).

DEP Response:

Comment Noted.

The City is also required to convene a meeting of the Riparian Buffer Working Group annually by February 28. This meeting was held on February 9, 2021. In addition to NYSDOH and USEPA, representatives attended from the following groups: Delaware SWCD; Greene SWCD; Sullivan SWCD; Ulster SWCD; Ulster CCE; Catskill Center for Conservation & Development; Cary Institute of Ecosystem Studies; SUNY Delhi; Catskill Region Invasive Species Partnership; WAC; and NYSDEC.

DEP Response:

Comment Noted.

NYSDOH and USEPA Comments on FAD Deliverables due March 31, 2021

3.3 Community Wastewater Management Program

The City reported that final design drawings were received on the Halcottsville community wastewater management program, and that receipt of the Final Facility Plan is anticipated by the middle of 2021.

DEP Response:

Comment Noted.

4.6 Stream Management Program

The 2017 FAD requires the City, beginning in March 2019, to submit biennial status reports on the Water Quality Monitoring Studies. These activities are a collaboration between the City and the United States Geological Survey (USGS) on a 10-year project investigating sources and factors influencing turbidity and suspended sediment in the Upper Esopus Creek drainage basin, as well as whether stream management practices can reduce this loading.

The report covers the period October 2018 to September 2020. It describes in detail the study's goals and objectives, as well as the progress made during the reporting period. Monitoring during period recorded data during two moderate flood events (between a 1.5 - 2-year streamflow recurrence interval). Preliminary discussion of the December 2020 flood event (11-year recurrence) is also included, though a more in-depth analysis will be provided in the next report.

The report notes that streamflow data show the study period has occurred in a less geomorphically-active period, compared to historical streamflow data prior to 2012 (including the extremely disruptive storms Irene and Lee). This has allowed the stream networks to recover, such as natural bank revegetation and streams developing more stable channel dimensions.

Turbidity data during the monitoring period suggests that the Beaver Kill, Birch Creek, and Woodland Creek were the primary tributary turbidity sources to the Upper Esopus Creek, and that Warner Creek was the primary tributary turbidity source to the Stony Clove Creek. Water quality and geomorphic data gathered was also used to inform the location of 3 stream management projects scheduled for 2021, as well generate information for use during future turbidity reduction efforts in the Ashokan Basin.

DEP Response:

Comment Noted.

NYSDOH looks forward to reading the findings of the two peer-reviewed journal publications under preparation regarding the efficacy of Sediment Turbidity Reduction Projects (mentioned on page 51 of the report).

DEP Response:

DEP will forward copies as soon as they're available.

4.9 East of Hudson Nonpoint Source Pollution Control Program

The 2017 FAD required the City to complete a Video Sanitary Sewer Inspection of the four East of Hudson CAT/DEL basins. This work also included complete mapping of any new sewer areas, inspection of targeted areas, identification of potential defects, and notification of entities responsible for remediation of identified deficiencies. The City reported that a contract was registered in December 2020 with a company (National Water Main) to perform this work, and that field work was scheduled for April 2021. As this deliverable is now past due, NYSDOH requests that the City provide a monthly status update in the regular deliverable cover letter until all project activities are completed.

DEP Response:

DEP will provide updates in the monthly FAD deliverable cover letter until completed.

5.1 Watershed Monitoring Program

As required by the 2017 FAD, the City submitted the 2021 Watershed Protection Program Summary and Assessment Report. Comments on this deliverable will be submitted under separate cover.

DEP Response:

Comment Noted.

6.2 Regulatory Programs

Wastewater Treatment Plant (WWTP) Compliance Inspection Reports Summary

As required by the 2017 FAD, the summary of WWTP compliance inspection reports covering the 3rd and 4th quarter 2020 was submitted. The summary provides important information on how this program is implemented, and the steps that have been taken to protect NYC source waters from degradation.

DEP Response:

Comment Noted.

WWTP Water Quality Sampling Monitoring Semiannual Report

As required by Section 6.2 of the 2017 FAD, the City submitted the report on the results of the City's monitoring of all City-owned WWTPs and all non-City-owned WWTPs discharging in the Catskill and Delaware watersheds, covering the period from July 1 - December 31, 2020.

DEP Response:

Comment Noted.

8.1 Waterborne Disease Risk Assessment Program

As required by the 2017 FAD, the annual report for the Waterborne Disease Risk Assessment Program (WDRAP) was submitted. The WDRAP is collaboratively implemented by two City agencies: the Department of Environmental Protection and the Department of Health and Mental Hygiene. The findings and analysis in the report demonstrate that there was no evidence of a drinking water-related disease outbreak in NYC during 2020.

DEP Response:

Comment Noted.

NYSDOH and USEPA Comments on FAD Deliverables due April 30, 2021

6.1 Watershed Rules and Regulations and Other Enforcement/Project Review

As required by the 2017 FAD, semi-annual reports have been submitted on project activities and enforcement actions for the period October 1, 2020 through March 31, 2021. The reports provide valuable information about the implementation of the City's Watershed Rules and Regulations, as well as a review of development activities within the watershed.

DEP Response:

Comment Noted.

Project Review Activities

Table 3.1.2 includes an East of Hudson project (2020-CF-0471) for the construction of a roundabout at the intersection of Stoneleigh Avenue and Drewville Road, located in close proximity to the Croton Falls Reservoir in the Town of Carmel. While NYSDOH understands that this project is still in the planning stages, does the City anticipate any construction or post-construction stormwater impacts to the drainage area treated by the City's recently completed stormwater project on Drewville Road?

DEP Response:

No impacts are expected to DEP's stormwater retrofit or the drainage area it serves as the proposed Putnam County intersection improvements are located in a separate and distinct sub-drainage area; in fact and in spite of their close proximity, the retrofit and intersection sites are divided by a low point in Drewville Road that includes a piped perennial watercourse.