



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

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

### **Quarterly Progress Report – Third Quarter 2010**



**October 2010**



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October 29, 2010

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**RE: Order on Consent (CSO Order)  
DEC Case # CO2-20070101-1  
Citywide CSO Program - Quarterly Report**

Dear Mr. DiMura:

In accordance with Section IV, Paragraphs A-C of the above referenced Consent Order, the New York City Department of Environmental Protection hereby submits the Citywide CSO Quarterly Report for the period of July 1 through September 30, 2010. The next Quarterly Meeting is scheduled for December 2, 2010 at 1:00pm at the 26<sup>th</sup> Ward WPCP in Brooklyn, NY.

Should you require further information, please contact me at (718) 595-5045.

Very truly yours,

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Attach.

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CSO Order on Consent  
DEC Case # CO2 - 20000107-8 as modified by DEC Case # CO2-2007-0101-1

QUARTERLY PROGRESS REPORT

**THIRD QUARTER 2010**  
**(July 1 – September 30)**

**October 30, 2010**

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## 1.0 Executive Summary

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20070101-1 (the “Order”); was entered into by the City of New York (“City”) and the New York State Department of Environmental Conservation (“DEC”) on January 14, 2005 and modified on April 14, 2008 and on September 3, 2009. Pursuant to Section IV, Paragraph A of the Order, the City shall submit quarterly status reports to DEC (“Quarterly Reports”). The Quarterly Reports shall describe the actions that have been taken toward achieving compliance with this Order during the past three-month period. This Quarterly Report sets forth the status of and progress by the New York City Department of Environmental Protection (“DEP”) in complying with the milestones set forth in the Order during the period from **July 1, 2010 to September 30, 2010**.

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

The following critical events occurred this quarter:

- 1) DEP Certified Construction Completion of the Inner Harbor In-Line Storage Facilities on August 20, 2010. A copy of the letter is included in Appendix A.**
- 2) On September 20, 2010, DEP Certified Initiation of Final Design for the Environmental Dredging in Paerdegat Basin proposed in the approved LTCP. A copy of the letter is included in Appendix A. DEC accepted the Certification on September 29, 2010.**
- 3) DEP Certified the Notice to Proceed to Construction for the Jamaica Tributaries Destratification Facility on September 30, 2010. A copy of the letter is included in Appendix A. Notice to Proceed was issued to the contractor on September 21, 2010.**
- 4) DEP submitted the updated Bronx River Waterbody/Watershed Facility Plan to DEC on July 15, 2010 as per DEC’s June 28, 2010 letter. DEC approved the WWFP on July 27, 2010. Based on the date of approval, the Bronx River Long-Term Control Plan is due on January 27, 2011, i.e., six months after WWFP approval.**
- 5) DEC provided comments on the June 2007 Newtown Creek WB/WS Facility Plan on September 30, 2010.**
- 6) DEP issued a request to modify the design completion milestone for the Westchester Creek Phase I Influent Sewers from June 30, 2010 to September 30, 2010 to allow time to complete analyses associated with a sewer concept that would supplement the plan proposed in the June 2007 WWFP. The results of those analyses were transmitted to DEC on July 30, 2010. On August 25, 2010 DEC determined that the proposed cost-effective sewer improvements were technically acceptable alternatives to the 12 MG CSO storage facility in the CSO Consent Order.**
- 7) DEC agreed in principle to the elimination of the Hutchinson River Waterbody/Watershed Facility Plan in favor of proceeding directly to an LTCP on June 28, 2010, but required DEP to submit a Scoping Document for the LTCP, which DEP provided on September 30, 2010.**

8) DEP proposed a sampling plan for the Hutchinson River on May 24, 2010 that DEC commented on July 2, 2010. DEP was in the process of updating the sampling plan in response to DEC’s detailed comments, and is expected to resubmit during the fourth quarter of on October 15, 2010.

9) DEP submitted its New Green Infrastructure Plan to Reduce Sewer Overflows on September 28, 2010 as committed to in the May 5, 2010 Omni letter. The Plan advances PlaNYC and other City initiatives in addition to CSO mitigation.

**Major Actions This Quarter:**

DEP continued to make progress in the planning, design and construction of its CSO facilities during this quarter, as documented in this report. As stipulated by the Order, **DEP and DEC held a Quarterly Progress Meeting on September 20, 2010 at the Bowery Bay WWTP** to discuss issues related to the Order and to review milestones met during the last quarter.

Table 1 presents the milestones that occurred this quarter. For each milestone listed in Table 1 below, either met or postponed, written notification was submitted by DEP to DEC. Table 2 presents milestones from the reporting quarter that are under consideration for potential modification.

**Table 1 – Milestones This Quarter (Jul 2010 - Sep 2010)**

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	MILESTONE DATE	ACTION REQUIRED	STATUS
Inner Harbor	In-Line Storage	Aug 2010	Construction Completion	Certified 8/20/10
Paerdegat Basin	Dredging	Sep 2010	Initiate Final Design	Certified 9/20/10 Accepted 9/29/10
Jamaica Tributaries	Destratification Facility	Sep 2010	Notice to Proceed to Construction	Certified 9/30/10

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

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	MILESTONE DATE	ACTION REQUIRED	REASON FOR MODIFICATION
<b>There are no milestones this quarter under consideration for modification</b>				

**Major Actions Next Quarter:**

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

- ◆ **Schedule and hold the next Quarterly Progress Meeting between DEC and DEP at the 26<sup>th</sup> Ward Wastewater Treatment Plant on December 2, 2010.**
- ◆ **Submit all dredging permit applications for Dredging of Gowanus Canal. A Modification Request is anticipated due to EPA Superfund designation and its impacts to dredging methodology selection.**



- ◆ **Certify Completion of Tallman Island WWTP Final Design including CPM analysis.**
- ◆ **Submit an updated Hutchinson River Water Quality Sampling Plan.**
- ◆ **Submit the updated Westchester Creek Waterbody/Watershed Facility Plan.**
- ◆ **Submit the updated Flushing Bay Waterbody/Watershed Facility Plan.**
- ◆ **Submit a detailed justification for replacing the 26th Ward Wet Weather Expansion with more cost-effective collection system optimizations.**

**Table 3 – Milestones Next Quarter (Oct 2010 - Dec 2010)**

<b>LOCATION/ PROJECT AREA</b>	<b>ITEM DESCRIPTION</b>	<b>MILESTONE DATE</b>	<b>ACTION REQUIRED</b>	<b>STATUS</b>
<b>Inner Harbor</b>	<b>Dredging of Gowanus Canal</b>	<b>Dec 2010</b>	<b>Submittal of All Dredging Permit Applications</b>	<b>Potential delay Modification Request anticipated due to Superfund Status</b>
<b>Flushing Bay</b>	<b>Tallman Island WWTP</b>	<b>Dec 2010</b>	<b>Final Design Completion including CPM analysis</b>	<b>On schedule 60% Complete</b>
<b>Newtown Creek</b>	<b>CSO Storage Facility</b>	<b>Nov 2010</b>	<b>Initiate Final Design</b>	<b>Modification Request Submitted</b>

**Table 4 – Milestones with Force Majeures and Modification Requests Outstanding**

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION(S)	REASON FOR ACTION(S)	MILESTONE DATE	STATUS
Alley Creek	Drainage Basin Specific LTCP	Modification Request	LTCP process to be defined	Submittal Apr 2010	Modification Request submitted
Alley Creek	CSO Retention Facility	Force Majeure And Modification Request	Deteriorated Sewer; Job action by Electrical Union	Construction Completion Dec 2009	Notice of Force Majeure and Modification Request submitted; Construction in progress
Inner Harbor	In-Line Storage	Force Majeure	Unmapped Utilities; Discontinued Equipment Manufacturer	Construction Completion Aug 2010	<b>Certified Construction Completion 8/20/2010</b>
Inner Harbor	Flushing Tunnel Modernization	Force Majeure	Property access limitations	Construction Completion Dec 2014	<b>Resolved; lost time being recovered</b>
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WWTP	Modification Request	Cost-Effective Alternative	Initiate Design Jun 2009	Modification Request technically approved by DEC 6/28/2010
Newtown Creek	Aeration Zone II Sewer Modifications Storage Facility	Modification Request	Cost-Effective Alternative	Jun 2010* Jun 2009* Nov 2010*	Modification Request submitted
Westchester Creek	CSO Storage Facility	Modification Request	Cost-Effective Alternative	Design Completion Jun 2010	<b>DEC acknowledged technically acceptable 8/25/2010</b>
Hutchinson River	CSO Storage Facility	Modification Request	Cost-Effective Alternative	Design Completion Jun 2010	<b>Water quality sampling program under development</b>
Jamaica Bay	26 <sup>th</sup> Ward Wet Weather Expansion	Modification Request	Cost-Effective Alternative	Design Completion Jun 2010	Modification Request submitted 5/5/2010

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

## 2.0 Construction Contracts

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

**Table 5 – Construction Contracts and their Status**

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PROJECTED COMPLETION	% OF TIME ELAPSED	% OF CONSTRUCTION COMPLETED <sup>(1)</sup>
Alley Creek	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	Completed	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009 <sup>(2)</sup>	<b>Feb 2011</b>	100%	<b>95%</b>
Outer Harbor	Regulator Improvements – Fixed Orifices	Feb 2006	Jul 2008	Completed	100%	100%
	Regulator Improvements – Automation	Nov 2007	Jun 2010	<b>Dec 2010</b>	<b>100%</b>	<b>94%</b>
	Port Richmond Throttling Facility	Jun 2006	Nov 2009 as modified	Completed	100%	100%
Inner Harbor	Regulator Improvements – Fixed Orifices	Feb 2003	Apr 2006	Completed	100%	100%
	Regulator Improvements – Automation	Nov 2007	Jun 2010	<b>Dec 2010</b>	100%	<b>94%</b>
	In-Line Storage	Aug 2007	Aug 2010	<b>Completed</b>	<b>100%</b>	<b>100%</b>
	Gowanus Flushing Tunnel Modernization	Feb 2010	Sep 2014	Sep 2014	<b>13%</b>	<b>14%</b>
	Gowanus Pump Station Reconstruction	Feb 2010	Sep 2014	Sep 2014	<b>13%</b>	<b>14%</b>
	Dredging of Gowanus Canal	TBD <sup>(3)</sup>	TBD <sup>(3)</sup>	TBD <sup>(3)</sup>	-	-
Paerdegat Basin	Influent Channel	Feb 1999	Feb 2002	Completed	100%	100%
	Foundations and Substructures	Jun 2002	Dec 2009	Completed	100%	<b>100%</b> <sup>(4)</sup>
	Structures and Equipment	Sep 2005	May 2011	Apr 2011	<b>88%</b>	<b>90%</b>
	Dredging of Paerdegat Basin	TBD <sup>(3)</sup>	TBD <sup>(3)</sup>	TBD <sup>(3)</sup>	-	-
Flushing Bay	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	Completed	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	Completed	100%	100%
	Storage Tank	Jul 1997	Aug 2001	Completed	100%	100%
	Mechanical Structures	Mar 2002	Sep 2009	Completed	100%	100%
	Tide Gates	Dec 2000	Apr 2002	Completed	100%	100%

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PROJECTED COMPLETION	% OF TIME ELAPSED	% OF CONSTRUCTION COMPLETED <sup>(1)</sup>
	Manual Sluice Gates	Feb 2004	Jun 2005	Completed	100%	100%
	Tallman Island WWTP Conveyance Improvements	Dec 2011	Jul 2015	Jul 2015	-	-
Jamaica Tributaries	Meadowmere & Warnerville DWO Abatement	Jun 2006	Jul 2009 as modified	Completed	100%	100% <sup>(4)</sup>
	Expansion of Wet Weather Capacity of Jamaica WWTP	Jun 2012	Jun 2015	TBD <sup>(5)</sup>	-	-
	De-stratification Facility	Sep 2010	Mar 2012	Mar 2012	-	-
	Regulator Automation	Nov 2007	Jun 2010	<b>Dec 2010</b>	<b>100%</b>	<b>94%</b>
Coney Island Creek	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	<b>Dec 2011</b>	<b>89%</b>	<b>59%</b>
	Avenue V Force Main	Jul 2007	Jun 2012	<b>Apr 2011</b>	<b>67%</b>	<b>89%</b>
Newtown Creek	Aeration Zone I	Dec 2005	Dec 2008	Completed	100%	100%
	Aeration Zone II	Jun 2011	Jun 2014	TBD <sup>(5)</sup>	-	-
	Relief Sewer / Regulator Modification	Jun 2010	Jun 2014	TBD <sup>(5)</sup>	-	-
	Throttling Facility	Jun 2009	Dec 2012	<b>Dec 2012</b>	<b>36%</b>	<b>90%</b>
	CSO Storage Facility	Dec 2015	Dec 2022	TBD <sup>(5)</sup>	-	-
Westchester Creek	Phase I (Influent Sewers)	Jun 2011	Jun 2015	TBD <sup>(5)</sup>	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	TBD <sup>(5)</sup>	-	-
Bronx River	Floatables Control	Jun 2009	Jun 2012	Jun 2012	<b>42%</b>	<b>12%</b>
Hutchinson River	Phase I of the Storage Facility	Jun 2011	Jun 2015	TBD <sup>(5)</sup>	-	-
	Future Phases	Dec 2016	Dec 2023	TBD <sup>(5)</sup>	-	-
Jamaica Bay	Spring Creek AWPCP Upgrade	Mar 2003	Apr 2007	Completed	100%	100%
	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2008	Jun 2010	Completed	<b>100%</b>	100%
	Hendrix Creek Dredging	Feb 2010	Feb 2012	<b>Jun 2011</b>	<b>29%</b>	<b>5%</b>
	26th Ward Wet Weather Expansion	Jun 2011	Dec 2015	TBD <sup>(5)</sup>	-	-
	Rockaway WWTP Conveyance Improvements		Dec 2017	Dec 2017	-	-

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

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

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

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

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

## 3.0 Detailed Description of Work Performed

### 3.1 Alley Creek CSO

The Alley Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall TI-008, which discharges into Alley Creek at a location just south of Northern Boulevard on the west bank of Alley Creek. Little Neck Bay and Alley Creek receive discharges from 31 stormwater outfalls, as well as CSO Outfall TI-008; however, discharges from CSO Outfall TI-008 were determined to be the primary cause of water quality degradation within Alley Creek. CSO Outfall TI-008 serves a drainage area of approximately 1,975 acres within the Tallman Island Wastewater Treatment Plant (WWTP) 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 WWTP 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 CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
  - ◆ **Activities continued for Contract ER-AC2. The principal work included the testing of the Air Treatment Unit, final site restoration, training of DEP operations personnel, programming of the Instrumentation and Control equipment at the Old Douglaston Pumping Station (ODPS) and at the Tallman Island WWTP, and Operations walk-thru for acceptance of the facility. The Startup Testing for DEP acceptance of the ODPS began in late June. Construction of Contract ER-AC2 is currently 95 percent complete.**

- ◆ **The Contractor activated the Interim Pumping Station (IPS) in July 2010 after a flooding event in the permanent station (the ODPS). Operation of the permanent station was discontinued after completion of the startup testing due to ongoing flooding concerns during severe rainfall events. The IPS will continue to be used until equipment in the permanent station is relocated.**
- ◆ **Construction progress meetings were held on July 9, August 6, and September 10, 2010 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ **Issues and Tasks meetings were held on July 23, August 27, and September 24, 2010 at the Engineer's Field Office for Contract ER-AC2.**
- ◆ DEP submitted a Notice of Force Majeure for the Alley Creek CSO Retention Facility on February 8, 2010 related to a job action by Electrical Union Local 3 from January 20 through 22, 2010. DEC responded to DEP's Force Majeure Notice on April 9, 2010, requesting additional information. DEP provided supplemental information as requested on April 30, 2010.

#### **Missed/Modified Milestones**

- ◆ The DEP submitted a request to the DEC on October 30, 2009 for a modification to the existing Milestone Date of December 31, 2009 to a new proposed Milestone Date of November 30, 2010. The basis of this request, the unexpectedly deteriorated condition of the influent sewer to the Old Douglaston Pumping Station, was reported to DEC in a Force Majeure letter dated November 20, 2007 and updated on August 20, 2008, February 3, 2009, and **July 1, 2010. Due to the flooding condition, DEP issued a letter to the DEC dated September 30, 2010 requesting the Consent Order date be extended to February 28, 2011.**

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

- **Alley Creek CSO Retention Facilities – Phase I, Stage 2, Contract ER-AC2**
  - ◆ Construction under Contract ER-AC2 will continue, primarily focusing on activating the Old Douglaston Pump Station and the CSO Facility. Other activities will include start up, adjusting instrumentation and controls settings along with developing Standard Operating Procedures.
  - ◆ Monthly construction progress and Issues and Tasks meetings will be held on the first and fourth Friday of the month respectively 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 issued a letter to DEC defining items required for certification of Construction Completion along with a CPM schedule on July 1, 2010**

**Table 6 – Alley Creek CSO Projects**

	<i>Phase I, Stage 1</i>	<i>Phase I, Stage 2</i>
Plan Elements:	Alley Creek Drainage Area Improvements	Alley Creek CSO Abatement Facilities
Location:	46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens	Northern Boulevard and Alley Park in Bayside, Queens
Actions:	Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek	Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 2.5-acres of wetland/upland area surrounding CSO Outfall TI-008. The wetland/upland restoration work has been transferred to Contract ER-AC3
Cost:	\$98,850,488	<b>\$34,121,680</b>
Status:	Construction completed.	<b>95%</b> complete with construction activities Notice of Force Majeure submitted November 2007. Modification request submitted on October 2009. Notice of Force Majeure submitted February 2010. <b>Reactivation of the Interim Pumping Station (IPS) in July 2010 due to potential flooding issues.</b>

### 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 sewered area) Wastewater Treatment Plants (WWTPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project (Contract REG-026) that addresses the milestones for regulator automation under Outer Harbor, Inner Harbor, and Jamaica Tributaries.

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

#### Work Performed During This Quarter

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities continued during this quarter. The Contractor completed start-up and cut over of SCADA panel sites, completed testing and acceptance of sluice gates and actuators, and performed change/modification work.**
  - ◆ **Weekly construction meetings occurred on July 1, 9, 15, and 22, 2010, and August 5 and 19, 2010. Monthly Progress Meetings occurred on July 22 and August 19, 2010. Technical conference calls occurred on August 24 and 26, 2010, and September 9, 17, and 27, 2010.**
  - ◆ **CPM Schedule Update 23 was received on July 15, 2010 and showed a substantial completion date of October 23, 2010. The update showed 106 recovered days due to the Contractor continuing with the change order work.**
- 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
  - ◆ DEP certified Construction Completion of the Port Richmond throttling facility on November 20, 2009 in compliance with the modified milestone.



### **Missed/Modified Milestones**

- ◆ DEP submitted a Request for Modification and Notice of Force Majeure for the Construction Completion Milestones associated with the Regulator Improvements – Automation to DEC on April 30, 2010. The basis for this request was due to a number of factors, including delays in scheduling work by the telephone company after extreme weather, unanticipated field conditions encountered by the contractor, limited site access to perform work, change in equipment to meet classified conditions, and the change order registration. The new date requested for the Construction Completion milestone was December 31, 2010. DEC acknowledged receipt of the Force Majeure Notice on June 21, 2010 and directed DEP to provide more information. **DEP provided additional information on July 12, 2010.**

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

#### *Construction*

- Regulator Automation
  - ◆ **Construction activities will continue. The Contractor will conduct contract work and perform site visits at multiple sites; obtaining and maintaining necessary permits and continuing start up and cut-over services.**
- Phase II Throttling Facility
  - ◆ **Project close-out.**

**Table 7 – Outer Harbor CSO Projects**

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	Throttling Facility	Regulator Improvements – Automation
Location:	32 regulator sites throughout Brooklyn and Staten Island	Port Richmond WWTP	Regulator sites throughout Brooklyn and Staten Island
Actions:	Conversion to manually operated sluice gates, replacement of stop plank guides, manhole steps, standardization of manhole cover sizes	Installation of throttling facility and sluice gate in Port Richmond east interceptor sewer	Conversion to automated regulators
Construction Cost:	\$4,390,100	\$ 5,704,481.02	\$15,721,000*
Status:	Construction Complete	Construction Complete	<b>Construction 94% Complete</b>
Other Issues:	-	DEC granted Modification Request; revised Construction Completion date November 20, 2009 was met.	<b>Delays due to scheduling work by the telephone company after extreme weather, unanticipated field conditions encountered by the contractor, limited site access to perform work, change in equipment to meet classified conditions, and the change order registration</b>

\*Construction cost represents original contract amount for REG-026

### 3.3. Inner Harbor CSO

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

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

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

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

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

##### *Design*

- In-line Storage
  - ◆ DEP submitted a Notice of Force Majeure in December 2007 to DEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date. An update on this Force Majeure event was submitted in a letter dated August 29, 2008.
  - ◆ **Preparation and review of the Standard Operating Procedure, Emergency Operation Plan, and Test and Acceptance Manual for the dams.**

- ◆ **Review of final copies of shop drawing submittals.**
- ◆ **Assistance during start up operation of the dams.**
- ◆ **Post-testing evaluation of the inflatable dam system**
- Gowanus Canal
  - ◆ The Gowanus Canal Waterbody / Watershed Facility Plan and the Gowanus Canal Facilities Upgrade Plans and Specifications were submitted to DEC in August 2008 and approved on July 14, 2009 as amended.
  - ◆ **An engineer was selected to perform design services for City-wide dredging. Notice-to-Proceed was issued September 20, 2010**

### *Construction*

- Regulator Automation
  - ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.
- Regulator Improvements
  - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was submitted to DEC on January 24, 2006 and the final inspection was completed by DEC. In a letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.
- In-line Storage
  - ◆ **Construction Completion was Certified on August 20, 2010.**
  - ◆ **Training for the operation of the B-6 dam was given July 13-15, 2010 at the construction management trailer at the B-6 site.**
  - ◆ **Training for the operation of the R-20 dam was given July 29-30 at Newtown Creek WWTP.**
  - ◆ **BWT Operations, the Newtown Creek and Red Hook Treatment Plant personnel were trained to operate, monitor, and maintain the system.**
  - ◆ **The inflatable dam system was tested during this quarter**
  - ◆ **Post-testing performance of the inflatable dam is being evaluated.**
- Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station

- ◆ A Notice to Proceed to Construction (NTP) was issued to the G contractor for the Gowanus Facilities Upgrades on September 14, 2009. DEP certified compliance with the NTP milestone on October 2, 2009 in a letter to DEC. The milestone date for the NTP in the Order is February 2010.
  - ◆ **Construction continued during this quarter. The interim oxygen transfer system was tested and is operational. The flushing tunnel was shut down on July 19, 2010. The flushing tunnel was dewatered. Bulkheads at both ends of the tunnel were installed. Sheeting for the clean out, exit and dissipation chambers was installed. Jet grouting for the clean out chamber commenced.**
  - ◆ **The G contractor continues with the interim pumps installation and has installed the pump bases and installed the force main tie-in.**
  - ◆ **DEP has signed a second agreement between American Stevedoring, Inc. and the Port Authority of NY/NJ. American Stevedoring and the Port authority have not signed this agreement just yet but has allowed work to commence on the Port Authority property for the dissipation chamber work.**
  - ◆ **The G contractor continues with the interim pumps installation and has installed the pump bases and installed the force main tie-in.**
- **Missed/Modified Milestones**
    - ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for missed or modified milestones related to this project.

- **Anticipated Activities for Next Quarter**

*Design*

- **Dredging Gowanus Canal Head End**
  - ◆ **Determine the impacts of Superfund listing to dredging project in Gowanus Canal**

*Construction*

- Regulator Automation
  - ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being executed under a single construction contract REG-026. Refer to Section 3.2 for an update on the status of this project.
- In-line Storage
  - ◆ Certify construction completion of In-Line Storage in August 2010 in compliance with the CSO Consent Order.
  - ◆ **Preparation of As-Built drawings and final record documents.**

- ◆ **Continue Start-up assistance.**
- ◆ **Post-test evaluation of inflatable dam system will be ongoing**
- Gowanus Canal – Rehabilitation of Flushing Tunnel and Reconstruction of Gowanus Pump Station
  - ◆ **Complete the installation, start up and testing of the interim pump system.**
  - ◆ **Continue construction of the exit, clean out and dissipation chambers.**
  - ◆ **Start demolition of the service building and force main work in the flushing tunnel.**

**Table 8 – Inner Harbor CSO Projects**

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>	<i>Gowanus Canal Pumping Station and Flushing Tunnel</i>	<i>Dredging</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	In-Line Storage	Regulator Improvements – Automation	Rehabilitation of Pumping Station and Flushing Tunnel	Dredging Gowanus Canal Head End
Location:	72 regulator sites in Manhattan and Brooklyn	Upstream of regulators B-6 and R-20 in Brooklyn	Regulator sites in Manhattan and Brooklyn	Gowanus Pumping Station Property, Brooklyn	Gowanus Canal
Actions:	Conversion to fixed orifices	Installation of two inflatable dams in the combined sewer systems	Conversion to automated regulators	NTP Issued	Prepare and Submit Dredging Permit Application
Construction Cost:	\$9,500,000	<b>\$15,836,084</b>	Note 1	<b>\$136,437,568</b>	TBD
Status:	Construction Complete	<b>100% complete</b>	Note 1	<b>Under construction. 14% complete</b>	Design Contract procurement in progress initiated 9/20/2010
Other Issues:		Force Majeure submitted to DEC in December 2007	Note 1	Force Majeure submitted to DEC in February 2010 related to site access at Flushing Tunnel intake.	<b>Modification Request anticipated due to Superfund listing</b>

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

### 3.4. 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 WWTP 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 WWTP for treatment after each rain event. This section reports on the progress of Phase IA – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Structures and Equipment.

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

#### ▪ Work Performed During This Quarter

##### *Planning*

- ◆ Submitted to DEC and EFC the Paerdegat Basin Drainage Specific LTCP report in November 2005, in compliance with the milestone date in the CSO Consent Order. Transmitted a response to DEC comments and revised LTCP on June 30, 2006.
- ◆ DEC approved the Paerdegat Basin LTCP in a letter dated February 1, 2007.
- ◆ The Joint Application Permit to allow for dredging of CSO sediments at the head-end of Paerdegat Basin and to improve the navigational channel at the mouth of the basin was submitted in the 4<sup>th</sup> Quarter of 2008 in accordance with the approved LTCP. DEC Region 2 noticed the completed application in the February 17, 2010 Environmental Notice Bulletin (ENB). The public comment period closed on March 4, 2010, and DEC issued a permit on March 19, 2010. On April 9, 2010, DEC forwarded the dredging permit along with CSO Order milestone dates, and the initiation of final design milestone was incorrectly stated as June 19, 2010. DEC issued a correction letter on June 7, 2010 in which the date provided for this milestone was September 19, 2010. The U.S. Army Corps of Engineers permit is still under review. **The final design initiation milestone was certified complete September 20, 2010.**
- ◆ **The updated Form 2A SPDES Application and Wet Weather Operating Plan (WWOP) were submitted to DEC on May 21, 2010.**

##### *Design*

- Design of Phase I A – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Superstructures and Equipment is 100% complete
- **Paerdegat Basin Environmental Dredging**

- ◆ DEC formally established milestones for Final Design and Construction Completion on April 9, 2010 based on the date of issuance of the DEC permit (March 19, 2010).
- ◆ **The USACE permit was not received as of the end of the third quarter of 2010.**
- ◆ **An engineer was selected to perform design services for City-wide dredging. The initiation of final design was certified on September 20, 2010.**

### *Construction*

- Phase I A – Influent Channels
  - ◆ Construction completed in 2002.
- Phase II – Foundations and Substructures
  - ◆ Construction work had ceased at approximately 97% complete due to the default of the contractor on December 6, 2007 by the Department pursuant to Articles 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract. Construction of 4B items critical to operation of the Paerdegat Basin CSO Facility was certified as 100% complete on January 5, 2010. DEC performed the post-construction inspection on March 23, 2010.
  - ◆ The surety abandoned the project on January 26, 2010, and ceased performing all punch list work. The DEP and surety negotiated a global settlement which was signed in March 2010. **The surety completed all remaining punch list work activities on August 15, 2010 while avoiding delays to the CSO-5 contract completion. The surety completing contractors completed all CSO Tank punch list items.**
- Phase III - Superstructures and Equipment
  - ◆ Construction work has continued and is approximately **88 percent** complete. The CSO-5 contractors are proceeding at their own risk on **3 million dollars worth of** unregistered change orders, which is not reflected in the percentage of work completed.
  - ◆ **The 5G contractor continued construction of the 5-barrel influent channel and outfall structure. Testing was performed on installed pump equipment in the Pump Back Building (PBB), sluice and slide gates in the Screenings Building (SB), CSO Tank flushing gates, and panels and local control panels for various pieces of mechanical equipment. Installation and testing of the odor control vessel and system was completed. Installation of the vehicle fueling station and fire suppression system continued. Disposal of contaminated soil from Area 3 of the shoreline and Bergen Avenue roadway was completed.**
  - ◆ **The 5E contractor continued pulling cable and wire to various pieces of equipment in the PBB, Odor Control Building (OCB) and SB, including gas sensors, level sensors and security systems, and continued trouble shooting and testing of equipment. Installation of duct banks on the on the east side of the site was completed, and the west side duct bank installation continued, along with yard lighting, process wiring, and sensors and samplers at the 5-barrel influent channel and outfall.**



- ◆ **The 5H contractor continued installation of stainless steel ductwork, plenums and seismic hangers in the process buildings, and continued pulling and terminating control wiring in the PBB, OCB and SB. The contractor continued addressing punch list items identified by the DOB in preparation for re-inspection of hot water boilers, continued air balancing of ductwork, and began installation of exhaust fans in the SB.**
- ◆ **The 5P contractor continued punch list work in the PBB, OCB, and SB, including hydrostatic pressure testing of piping.**

#### **Missed/Modified Milestones**

- ◆ **DEP issued a Notice of Force Majeure on February 12, 2010 related to the January 25, 2010 Notice of Claim and Appeal issued by the 4B contract surety and the potential impact of associated delays on the Structures and Equipment contract. DEC responded to DEP's Notice on April 9, 2010 requesting additional information, which DEP provided on April 30, 2010.**

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

##### *Construction*

- **Phase II - Foundations and Substructures**
  - **The completing contractor will complete project closeout and documentation, as well as the installation of the NEMA 7 XP Box.**
- **Phase III - Superstructures and Equipment**
  - ◆ **Work will continue on the construction in order to meet the modified milestone date for Construction Completion Date of May 2011.**
  - ◆ **The 5G contractor will continue punch list work in the CFS Building, phased construction of the 5-barrel influent channel, and commissioning of other facilities related to CSO tank operation and flow control. The contractor will also begin punch list work in the process buildings and preparation work for various inspections by agencies including the FDNY, DOB, and DEP. Systems expected to be commissioned and/or inspected include: the odor control system in the OCB; the CSO pumps, grit pumps and sump pumps, the 42-inch CSO force main; the fire sprinkler and standpipe systems; fencing and security system equipment; bridge crane in the Existing Pump Station; structural steel and concrete. In addition, the 5G contractor will complete classroom training and begin field training of DEP personnel on various pieces of equipment throughout the CSO Facility.**
  - ◆ **The 5E contractor will continue punch list work in the CFS and CB buildings, and will continue pulling, testing and terminating cable and wire to local control panels for various pieces of equipment in the PBB, OCB, SB, and 5 Barrel outfall area. The installation of exhaust fans EF-7304 and EF-7305 in the SB will be completed. The**

**contractor will request inspections by the DOB and DEP, and field testing and agency inspections of the permanent hot water boilers will be completed. Other electrical equipment that will be commissioned and/or tested includes: emergency generators; security systems; Community Board Building signage; site lighting; ductbanks for site lighting, security, and flow monitoring and control. In addition, the 5E contractor will continue training of DEP personnel on equipment in the CFS and Process Buildings.**

- ◆ **The 5H contractor will complete classroom training and begin field training of DEP personnel on various pieces of equipment and systems.**
- ◆ **The 5P contractor will begin training of DEP personnel on various pieces of equipment and systems in addition to continuing with ongoing punch list work, remedial work, and testing.**

**Table 9 – Paerdegat Basin CSO Projects**

	<i>Phase IA</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Dredging</i>
Construction Phase	Influent Channels	Foundations and Substructures	Structures and Equipment	Environmental Restoration
Location:	Flatlands and Ralph Avenues, Brooklyn, NY	West Shore of Paerdegat Basin	West Shore of Paerdegat Basin	Head end of Paerdegat Basin
Actions:	Construction of the influent channels to the CSO facility	Underground structural elements	Aboveground buildings and equipment	Dredge bottom sediments to finish depth of 3 ft below MLLW
Cost:	\$9,000,000	\$118,273,790	<b>\$ 203,045,818</b>	TBD
Status:	Construction completed.	<b>Construction 100% complete.*</b>	NTP issued on 9/26/05. Construction <b>88%</b> complete.	DEC Permit issued 3/19/10; <b>USACE permit pending</b>
Other Issues:	-	The Contractor was held in default in December 2007. Issues related to the surety and completion of outstanding work added substantial time to all schedules.  A sand bar identified as a navigational hazard delayed the dredging work related to the 4B contract. The sand bar was removed in October 2009.	<b>Construction work continued; contractors proceeding at risk on unregistered change orders (not reflected in completion percentage)</b>	DEC established milestone dates based on issuance of DEC permit on 3/19/2010; however, USACE permit not yet issued.

\*CSO Consent Order elements completed and a Certification of Construction Completion has been submitted

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

#### **Flushing Bay CSO Retention Facility**

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

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

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

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

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

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

#### **Tallman Island Wet Weather Maximization**

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

Omnibus IV Consent Order to the CSO Consent Order and includes a new interceptor to parallel the Main Interceptor; **and modifications at Regulators 10, 10A, 10B and 13.**

▪ **Work Performed During This Quarter**

*Design*

- Flushing Bay CSO Retention Facility
  - ◆ Design completed.
- Tallman Island Wet Weather Maximization
  - ◆ **As a follow up to last Quarter's work related to potentially de-scoping the throttling facility, the proposed work at Regulator Nos. 10, 10A, 10B & 13 was reviewed to ensure that the project goal of maximizing wet weather flow was satisfied, while also ensuring that the impacts to the upstream water surface elevations were minimized. The results of these analyses indicate that the modifications to Regulator 10B are to be eliminated, and that slight changes are to be made to the proposed work at Regulator Nos. 10 & 10A. A draft letter to DEC was initiated to document the final project scope.**
  - ◆ **Participated in the 60% design review workshop with the DEP Operating Bureaus and the design consultant.**
  - ◆ **Continued work on the preparation of the 90% design submittal; including plans, specifications, cost estimate, etc.**
  - ◆ **Continued coordination with NYCDPR regarding outstanding property encroachments along the proposed route of the new Whitestone Interceptor.**
  - ◆ **Continued coordination with DEP Operating Bureaus regarding design calculations, amendments to the City drainage plan and general water & stormwater relocations required due to proposed construction activities.**
  - ◆ **Attended a utility coordination meeting with Con Edison, Verizon & Time Warner Cable on August 17, 2010.**
  - ◆ Work on the following permits was performed:
    - **Work on the final draft of the EAS was completed and submitted to BEPA for review.**
    - **Participated in a pre-application conference call on July 6<sup>th</sup> with NYSDEC regarding the Joint Application for Permit.**
    - **Continued preparation of the Joint Application for Permit; circulated draft copy to the DEP Permit Resource Division and BEPA for review and comment.**
    - **Received traffic stipulations from NYCDOT regarding proposed MPT plans.**

*Construction*

- Flushing Bay CSO Retention Facility

- DEP submitted revised flow metering methodology on March 5, 2010 in response to comments received from DEC. Included in this submittal was a description of the installation of meters in the effluent channel of the facility and the use of storm events to confirm that the measurement system is accurate. The temporary meters were installed in March, and have collected data for two substantial storm events. A summary report was submitted on May 18, 2010, and DEP and DEC conducted a meeting to discuss the flow metering methodology on May 20, 2010.
- **Flow metering methodology evaluations are ongoing.**
- Tallman Island Wet Weather Maximization
  - Construction has not commenced.

### Anticipated Activities for Next Quarter

#### *Design*

- Tallman Island Wet Weather Maximization

Submit letter to DEC documenting the final project components and any deviations from the 2005 Facility Plan.

- ◆ Continue coordinating with affected utilities.
- ◆ **Continue coordination with DEP Operating Bureaus regarding design calculations, amendments to the City drainage plan and general water and stormwater relocations.**
- ◆ Continue addressing legal issues with property encroachment along proposed Whitestone alignment.
- ◆ **Complete work on the 90% and 100% design submittals. Submit final design package to NYSDEC for certification of milestone complete.**
- ◆ **Submit 100% complete specifications to NYC Law Department for review and approval.**
- ◆ Continue work on project permitting, most notably: the applicable NYCDPR permits; the DEC/USACE Joint Application Permit; and the NYC Public Design Commission.

#### *Construction*

- Flushing Bay CSO Retention Facility
  - ◆ **Flow metering methodology evaluations are ongoing.**

**Table 10 – Flushing Bay CSO Projects**

Flushing Bay CSO Tank		TI Wet Weather Maximization
Plan Elements:	Flushing Bay CSO Retention Facility	Tallman Island WWTP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant’s design flow during any storm event
Location:	Intersection of College Point Boulevard and Avery Avenue, Queens	New section of the Whitestone Interceptor from the existing Junction Chamber at the intersection of 11 <sup>th</sup> Avenue and 130 <sup>th</sup> Street to the WWTP, College Point, Queens Regulators 10, 10A, 10B and 13
Actions:	Design and construction of a 43 MG storage facility, which includes a 28 MG, underground storage tank and 15 MG in-line storage in upstream sewers. The facility collects flow from the system tributary to the TI-010 outfall.	Design and construction of a new interceptor; new throttling facility, and modifications to regulators 10, 10A, 10B, and 13.
Cost:	\$291,000,000	<b>\$32,500,000</b>
Status:	Construction Completion certified on 5/31/07; DEC issued NOV 7/15/2008; Consent Order Modification 9/3/09 established new Construction Completion date of September 2009. <b>Flow metering methodology currently in validation process.</b>	<b>Design approaching 90% complete</b>
Other Issues:	2009 Consent Order Modification included required corrective actions at the Flushing Bay CSO Retention Facility	

### 3.6. Jamaica Tributaries CSO

The Jamaica Tributaries project area includes the Jamaica WWTP 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 WWTP. 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 WWTP – An additional 50 MGD of wet weather flow will be treated at the Jamaica WWTP to reduce the CSO discharges to Bergen Basin. Recent analyses indicate that this element has limited water quality benefits. Alternative actions have been analyzed and included in the Waterbody/Watershed plan that was submitted to DEC in June 2007. **The alternate actions are collection system upgrades designed to increase total CSO volume treated without expanding capacity. The upgrades include the installation of bending weirs at three regulators: J3 and J14 in the West Interceptor, and J6 in the East Interceptor, and a new 48-inch parallel sewer to complement the existing double barrel 36-inch Belt Parkway crossing in the West Interceptor.**
- ◆ 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 **10** 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 WWTP 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

### *Design*

- Expansion of Wet Weather Capacity of the Jamaica WWTP
  - ◆ DEC conditionally approved a Modification Request from DEP on June 28, 2010 that would replace all milestones related to the wet weather expansion with new milestones related to a parallel sewer and bending weirs.
- Destratification Facility
  - ◆ The final design was approved in April 2008.

### *Construction*

- Meadowmere/Warnerville
  - ◆ The G contractor continued addressing punch list items **including installation of the crossover platform in the valve chamber.**
  - ◆ No Monthly Construction I&T meetings were held during this quarter.
  - ◆ **The Design Engineer completed the draft of the O&M manual for review by DEP**
- Destratification Facility
  - ◆ **Notice to Proceed for Contract CSO-JT-DF-G and CSO-JT-DF-E was issued on September 27, 2010. This complies with the consent order requirement for NTP issuance by September 30, 2010.**
  - ◆ **Meetings were held with BWT and BWSO to resolve the issue regarding compressor condensate disposal. BWT worked out an agreement with NYSDEC that would allow condensation from an oil-free compressor to be defined as an exempt non-storm water discharge. As a result, an application for site connection to the on-site box storm sewer will be submitted in October 2010. Site connection approval from BWSO is the only approval still required for DOB plan approval. All other items have been obtained.**
- Regulator Automation
  - ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for an update on the status of this project.

### **Missed/Modified Milestones**

- ◆ **On June 28, 2010, DEC acknowledged that certain proposed sewer system modifications in the Jamaica WWTP service area are technically acceptable alternatives that can be adopted in lieu of the 50 MGD wet weather expansion of the Jamaica WWTP.** DEP submitted a revised Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WWTP to DEC on November 14, 2008. The basis of the original Request for Modification was the identification of an alternative approach that is expected to result in



a greater degree of CSO reduction. The June 2007 Jamaica Bay and CSO Tributaries WWFP proposed replacing the expansion with more cost-effective sewer modifications projected to achieve greater CSO capture. Numerous meetings between DEP and DEC technical staff occurred, during which schedule, additional alternatives, and field measurements were discussed. A final proposed modification was included in the May 5, 2010 “omni letter” submitted by DEP that included a specific modification request for the June 30, 2010 milestone for submittal of the form 2A SPDES Application and a request to replace the remaining milestones related to the wet weather expansion with new milestones related to a parallel sewer and bending weirs. DEC conditionally approved this request June 28, 2010.

- ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being satisfied under a single construction contract (REG-026). Refer to Section 3.2 for missed or modified milestones related to this project.

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

#### *Design*

- Destratification Facility
  - ◆ **DSDC activities will commence.**

#### *Construction*

- Meadowmere/Warnerville
  - ◆ G and E contractors to complete punch list items, continue on remaining change order work, and continue with training and O&M activities.
- Destratification Facility
  - ◆ **Commence with construction work, including pre-construction meeting for G and E contracts.**
- Regulator Automation
  - ◆ Outer Harbor, Inner Harbor, and Jamaica Tributaries milestones for Regulator Improvements – Automation are being executed under a single construction contract REG-026. Refer to Section 3.2 for an update on the status of this project.

**Table 11 – Jamaica Tributaries CSO Projects**

Plan Elements:	Meadowmere & Warnerville DWO Abatement	Expansion of Wet Weather Capacity of Jamaica WWTP	Destratification	Laurelton and Springfield Blvd. Drainage Plan	Regulator Automation
Location:	Meadowmere and Warnerville – Queens, New York	Bergen Basin	Shellbank Basin	Jamaica WWTP 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 WWTP.	Conduct Demonstration Construct Permanent Facility	Develop drainage plan for storm sewer build out	Provide automated regulators
Construction Cost:	\$37,637,569	\$120 million	\$2,621,918	To be determined	Note 1
Status:	Construction 100% complete.  Construction Completion Milestone met.	Project to be replaced with a parallel sewer and bending weirs, pending August 2010 Consent Order negotiations per DEC 6/28/2010 correspondence	<b>Contract for G and E awarded and NTP issued to low bidder for both contracts. Site connection approval needed for DOB construction approval.</b>	Drainage planning complete.	Note 1

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

### 3.7. 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:
    - Shop drawing review
    - Coordination drawing review
    - Change Order preparation
    - Main Building structural inspection.
    - Architectural Terra Cotta inspection.
- New Force Mains
  - ◆ DSDC activities continued, including:
    - SPDES preparation
    - LI Well permit preparation
    - Shop drawing review
    - Change Order preparation

##### *Construction*

- Avenue V Pumping Station Upgrade
  - ◆ **The construction/installation of the following items was completed: wet well columns, walls, and roof access hatches; structural steel and new metal decking for the main building roof; Generator Building Inertia block, electrical conduits, steel reinforcement for foundation slab, floor drains, sleeves, vent piping, and leakage testing; electrical duct bank between Main Building and Generator Building; core drilling at south wall of Main Building for the installation of new Wet Well equipment electrical conduits.**

- ◆ **The construction/installation of the following items was initiated: steel reinforcement for Wet Well beams and roof slab; structural repairs in the Mechanical Equipment Room (formerly called Crew Quarters); demolition of existing floor slab of previously demolished switchboard room; installation of Grinder pull boxes and junction box grounding system.**
- ◆ **The construction/installation of the following items continued: backfilling behind the west wall of new Wet Well; removal of excessive soil from pump station.**
- Avenue V Pumping Station Force Mains Upgrade
  - ◆ **Final Leakage Tests are 76.8% complete. To date, 21,548 linear feet (l.f.) of the total 28,061 l.f. of force main has successfully passed the final leakage test. The third and final leakage test is pending installation of the final force main at various locations in the street between Bay 40<sup>th</sup> Street and the Avenue V Pumping Station.**
  - ◆ **Open Cut Pipe installation is approximately 97% complete. The contractor completed installation of the force main on Avenue V to the West 11<sup>th</sup> Street intersection. Force main connections were also completed from Pit P to 27<sup>th</sup> Avenue and commenced at the Stillwell Avenue intersection. A total of 576 linear feet of 42-inch force main and 541 linear feet of 48-inch force main was installed during this period. To date, 15,030 l.f. of 42-inch pipe (out of 15,530 l.f.) and 8,671 l.f. of 48-inch pipe (out of 8,943 l.f.) has been installed.**
  - ◆ Jacked casing pipe installation is 100% complete. A total of 1,366 l.f. of 66-inch casing pipe with 42-inch carrier pipe and 547 l.f. 66-inch casing with 48-inch carrier pipe was installed.
  - ◆ Microtunneling pipe installation is 100% complete. A total of 3,040 l.f. of 60-inch casing pipe with 48-inch HOBAS carrier pipe and 1,690 l.f. of 60-inch casing with 42-inch HOBAS carrier pipe was installed.
  - ◆ **Other construction activities included the continued construction of the 48-inch Discharge Chamber at Bay 16<sup>th</sup> Street and Bath Avenue; cleaning of SE-133 from MH 18 to MH 6; investigation of a leak in the 42-inch Hobas pipe at Bay 40<sup>th</sup> Street; continued soil decompaction and topsoil installation along the Belt Parkway in preparation of permanent seeding.**

#### Missed/Modified Milestones

- ◆ There are no missed milestones.

#### Anticipated Activities for Next Quarter

##### *Design*

- DSDC Activities

##### *Construction*

- Avenue V Pumping Station Upgrade
  - ◆ O&M of temporary pumping and dewatering systems will continue, along with continued construction of the new wet well, the new Main Building concrete roof, structural components in the Main Building /Mechanical equipment room, and electrical conduit and concrete duct banks.
  - ◆ **Painting of the metal decking and existing roof steel treatment will commence. The installation of the Generator Building base slab and columns, indoor Generator, and network protection structure mini-piles will commence. DOB Leakage test for installed piping inside Generator Building area will be performed.**
- New Force Mains
  - ◆ Continued open cut force main installation, leakage tests for installed pipe and repair as needed, installation and removal of steel sheeting, relocation of utilities as required, tree/landscape remediation activities, and landscape restoration (permanent seeding) will occur, as will the continued construction of the 48-inch discharge chamber at Bay 16<sup>th</sup> Street & Bath Avenue.

**Table 12 – Coney Island Creek CSO Projects**

<i>Contracts</i>		<i>Contract</i>
<i>PS-79G, H, P, E</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:	\$72,482,064	<b>\$107,817,746</b>
Status:	Notice to Proceed issued on 12/16/05. <b>Construction is 59% complete.</b>	Notice to Proceed issued on 7/23/07. <b>Construction is 89% complete.</b>

### **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 WWTP.

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

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

**▪ Work Performed During This Quarter***Planning*

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

*Design*

- Maximize Flow to Morgan Ave. Interceptor
  - ◆ Kent Avenue Throttling Facility design has been completed.
- Phase 1 Aeration Facility
  - ◆ Design completion was certified December 2008 and accepted February 2009. Start-up of the facility first occurred on June 25, 2009. Sampling for the First Year Post-Operational Habitat Monitoring was performed.
  - ◆ The aeration system for the Upper English Kills was activated for the season on June 1, 2010. There have not been any problems reported with the system.
  - ◆ The DEP Harbor Survey program is monitoring Newtown Creek on a regular basis; however, the two continuous-recording data sondes used to monitor and record dissolved oxygen concentrations and water temperatures in the Upper English Kills were removed from Newtown Creek on May 12, 2010 for redeployment in Gowanus Canal.
  - ◆ **Collection and sampling activities for the second post-operational Habitat Monitoring sampling period were completed. Laboratory analysis is ongoing.**
- Phase 2 Aeration Facilities
  - ◆ The 90% design completion Contract Drawings and Specifications for the addition of a third blower to the Phase I Aeration Facilities and associated aeration system for the lower English Kills was started.

*Construction*

- Phase 1 Aeration Facilities
  - Construction of the Phase I Aeration Facilities was complete as of December 2008.
- Kent Avenue Throttling Facility
  - ◆ DEP certified that the Notice to Proceed to Construction for the Kent Avenue Throttling Facility had occurred prior to the June 2009 milestone in a letter dated September 29, 2009. The construction is occurring under Newtown Creek WWTP contract NC-36.  
  
Work continued on the Throttling Gate. The manhole is complete and backfilled, the gate and actuator have been installed. The work is 90% complete.
- **Missed/Modified Milestones**
  - ◆ DEP submitted a Modification Request on April 30, 2009 to eliminate certain elements and replace with more cost-effective elements that achieve similar or greater water quality benefits. A revised Modification Request was submitted on March 31, 2010.

Biological and water quality data reports related to Aeration Zone I were provided to DEC on February 1, 2010 in support of this request.

▪ **Anticipated Activities for Next Quarter**

*Design*

- Maximize Flow to Morgan Ave. Interceptor
  - Continue design of the Regulator B-1 Modifications.
  - Continue design of St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- Phase 1 Aeration Facility
  - **Continue seasonal operation of facility.**
  - Commence sampling for the Second Year Post-Operational Habitat Monitoring in August 2010.
- Phase 2 Aeration Facilities
  - Investigate properties that may be used for the East Branch and the northern portion of Newtown Creek and Dutch Kills and the lower southern portion of Newtown Creek; this will decrease the amount of property that be required.
  - Continue evaluation of alternative properties identified for require blower buildings.
  - Continue working on obtaining properties along the East Branch and Dutch Kills for the construction of Aeration Systems for the corresponding waterbodies.
  - Continue design of Aeration Systems for the East Branch and Dutch Kills waterbodies.
  - Continue design on third blower installation in the Phase I Aeration Facility building for the Lower English Kills.
  - Evaluate aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system installed in Phase I.
  - Begin preparation of Damage and Acquisition Maps for proposed aeration facility locations along the Dutch Kills and East Branch.
  - Finish the 60 percent design completion of the third blower installation in the Phase I Aeration Facility building for the Lower English Kills.
  - Finish the 90 percent design completion of the third blower installation in the Phase I Aeration Facility building for the Lower English Kills.
  - **Complete final design of third blower installation in the Phase I Aeration Facility building for the Lower English Kills.**

*Construction*

- Phase 1 Aeration Facility
  - Turn over Facility to Bureau of Water Treatment
- **Kent Avenue Throttling Facility**



- **The remaining electrical work has not been scheduled yet but is expected to be completed before milestone date.**

**Table 13 – Newtown Creek CSO Projects**

	<i>Maximize flow through Morgan Ave. Interceptor</i>	<i>Throttling Facility</i>	<i>Phase 1 - Aeration Facilities</i>	<i>Phase 2 - Aeration Facilities</i>	<i>Off-line Storage Tank</i>
Location:	Regulator B1 and WWTP throttling chamber	Kent Avenue Interceptor upstream from Morgan Avenue Interceptor	Head end of English Kills, south of Grand Street	Lower English Kills, Dutch Kills, East Branch and Newtown Creek	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in R-B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to R-B1	Continued Construction	Provide aeration to raise DO to a goal of 3.0 mg/l; includes landside compressor station, air header, and diffuser assembly.	Provide aeration to raise DO to a goal of 3.0 mg/l; includes landside compressor station, air header, and diffuser assembly.	Design facility, including tank, pumping station, and gravity drain for treatment at the Newtown Creek WWTP.
Cost:	\$10,000,000	\$1,000,000	<b>\$7,503,000</b>	<b>\$26,000,000</b>	TBD
Status:	Throttling gate at the WWTP is 100% complete; B-1 overflow weir and relief sewer are proposed to be replaced by new elements in 3/31/2010 Modification Request	Throttling gate at Kent Avenue <b>90%</b> Complete	Construction 100% complete: DEP certified 12/31/08; DEC approved 2/25/09. Operated during 2009 summer season.	Continue design and site selection of the Aeration Systems for the Lower English Kills, Dutch Kills, East Branch and Newtown Creek under Contract NC-EK-IV.	On hold pending submission and approval of Newtown Creek Modification Request
Other Issues:	Requires coordination with WWTP planning and design requirements As allowed by the Order, currently subject to modification by the WWFP		Water quality and habitat monitoring data reports submitted to DEC		Site approval (ULURP) and acquisition of property required. As allowed by the Order, currently subject to modification by the WWFP

### **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 WWTP service area in the Borough of the Bronx. For this CSO planning area, the June 2007 Waterbody / Watershed Facility Plan DEC reviewed and provided comment in January 2010 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. This section reports on the progress of Phases I and II of the Westchester Creek CSO Abatement Facilities Plan.

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, and installation of the required fencing at the site.

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

##### *Planning*

##### *Design*

- Phase I – Influent Sewers
  - ◆ The DEP submitted the Westchester Creek Waterbody/Watershed Facility Plan in June 2007 that recommended replacing this element in Appendix A of the Order. Comments on the plan were received from DEC on January 20, 2010.
- Phase II – CSO Storage Facility
  - ◆ The DEP submitted the Westchester Creek Waterbody/Watershed Facility Plan in June 2007 that recommended replacing this element in Appendix A of the Order. Comments on the plan were received from DEC on January 20, 2010.

##### *Construction*

- ◆ Construction has not yet been initiated.

**Missed/Modified Milestones**

- ◆ The May 5, 2010 modification request submitted by DEP included a specific request to defer the June 30, 2010 milestone for completion of design for the Westchester Creek Phase I Influent Sewers to September 2010. The June 2007 Westchester Creek WWFP proposed replacing the facility with weir modifications at the head end of Westchester Creek and floatables control at Pugsley Creek. DEC provided comments on this WWFP on January 20, 2010, raising an issue regarding the additional CSO flow that would be discharged to the tidal mud flats at Pugsley Creek. Discussions between DEP and DEC technical staff during the first and second quarters of 2010 indicated that a new parallel sewer from regulator structure CSO-24 to a downstream location in the existing collection system could relocate CSO away from the head end of Pugsley Creek, and DEP requested that the milestone be modified to September 2010 to allow time to complete analyses associated with this sewer concept. DEP also committed to submitting a subsequent modification request along with a detailed justification 60 days prior (i.e., July 31, 2010). DEC Responded to this request on June 28, 2010, stating that it would exercise enforcement discretion. **On August 25, 2010 DEC determined that the proposed cost-effective sewer improvements were technically acceptable alternatives to the 12 MG CSO storage facility in the CSO Consent Order.**

**Anticipated Activities for Next Quarter**

- Phase I – Influent Sewers
  - ◆ **DEP submitted a Modification Request for completion of final design of the Phase I Influent Sewers on July 30, 2010.**

**Table 14 – Westchester Creek CSO Project**

<b>Plan Elements:</b>	Westchester Creek CSO Supply/Storage Conduit, CSO Storage Tank and Little League Amenities
<b>Location:</b>	Bronx Psychiatric Center Campus, and along Eastchester Road and Waters Place in the Bronx
<b>Actions:</b>	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;
<b>Cost:</b>	Under Revision
<b>Status:</b>	Negative Declaration issued for project; ULURP Application approved; design underway for CSO supply/storage conduit, CSO storage tank
<b>Other Issues:</b>	Site needs to be acquired by DEP from the State of New York; NYC Building Permit Application, as well as other permit applications, needs to be processed 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 WWTP 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

#### *Design*

- ◆ Design completion was certified in May 2009.

#### *Construction*

- ◆ Construction commenced on January 15, 2010.
- ◆ DEC issued a Notification of No Jurisdictional Determination for Bronx Park Avenue (CSO-27A) and Bronx Zoo (CSO-27) on May 13, 2010.
- ◆ **At the Bronx Zoo site (CSO-27), geotechnical work continued, including the installation of monitoring and settlement points; the installation of H-piles and excavation support system; and excavation. A new concrete slab was formed and placed, and rebar for the new regulator walls was installed.**
- ◆ **At the West Farms Road site (CSO-28/HP-004), test pits and soil removal and cleaning were completed.**
- ◆ **At the Bronx Park Avenue site (CSO-27A), construction activities commenced on the regulator structure. Test pits were completed, and Con Ed commenced relocation of gas utilities and overhead wires.**
- ◆ **At the Soundview Park site (CSO-13/HP-009), no construction activities occurred. Permitting has been completed.**

**Missed/Modified Milestones**

- ◆ There are no missed milestones.

**Anticipated Activities for Next Quarter**

- *Planning*
  - ◆ No activities to report.
- *Construction*
  - ◆ **Obtain DEP Sewer Connection permit for dewatering system discharge at Soundview Park.**
  - ◆ **Commence excavation for regulator expansions at Soundview Park.**
  - ◆ **Set up and install dewatering system at Soundview Park (CSO-13/HP-009) and West Farm Road (CSO-28/HP-004).**
  - ◆ **Commence excavation for the work at West Farm Road (CSO-28/HP-004).**
  - ◆ **Complete construction of Regulator expansion at the Bronx Zoo (CSO-27) site.**
  - ◆ **Commence construction activities at Regulator CSO 13.**

**Table 15 – Bronx River CSO Project**

Plan Elements:	Floatables Control Facilities at CSO Outfalls HP-004, HP-007 and HP-009
Location:	New conduit (West Farms Road) upstream of CSO Outfall HP-004, Regulator 27 (Bronx Park Avenue) and Regulator 27A (Bronx Zoo) upstream of CSO Outfall HP-007, and Regulator 13 (Soundview Park) upstream of CSO Outfall HP-009
Actions:	Design and construction of floatables control facilities for CSO Outfalls HP-004, HP-007 and HP-009
Cost:	<b>\$26,672,901</b>
Status:	<b>Construction is 12% complete.</b>
Other Issues:	

### 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 WWTP 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.

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

Based on conversations with DEC, the DEP retracted the existing WWFP to better identify causes of impairment based on a more robust sampling program and to further evaluate cost effective alternatives consistent with the EPA CSO Policy. DEC provided comments to the June 2007 WWFP on May 22, 2009, in response to which DEP agreed to conduct water quality sampling. On January 4, 2010 DEC directed DEP to submit a letter outlining its strategy and timeline for submitting an approvable WWFP subsequent to that sampling effort. A conference call was convened by DEP and DEC on January 29, 2010, and on February 1, 2010 DEP responded. On February 19, 2010, DEC acknowledged the February 1 DEP letter and reaffirmed its direction for DEP to submit a water quality sampling plan and scoping document. DEP submitted the water quality sampling plan to DEC on May 24, 2010 **that was rejected by DEC on July 2, 2010.**

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

### *Design*

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

### *Construction*

- ◆ Construction has not yet been initiated.

## **Missed/Modified Milestones**

- ◆ On May 5, 2010 DEP requested a modification of the June 30, 2010 milestone for completion of final design for a CSO storage facility for the Hutchinson River, as well as all other outstanding Hutchinson River CSO milestones (XI.A.2 through XI.E). The influence of Westchester County water quality has been the subject of discussions between DEC and DEP technical staff, and DEP requested that a waste load allocation analysis be performed that can be used as a basis to finalize the LTCP for the Hutchinson River. In addition, DEP proposed eliminating the requirement to submit a WWFP and proceed directly to the development of an LTCP as suggested by DEC. DEC Responded to these requests on June 28, 2010, stating that it would exercise enforcement discretion.

## **Anticipated Activities for Next Quarter**

- ◆ **Respond to any DEC comments on the proposed water quality sampling plan**
- ◆ **Based on a teleconference between DEP and DEC on July 29, 2010, the water quality sampling plan will commence Spring 2011.**



**Table 16 – Hutchinson River CSO Project**

Hutchinson River CSO Storage Facilities	
Plan Elements:	Hutchinson River CSO Storage Facilities
Location:	City-owned property at southern end of Conner Street adjacent to Hutchinson River; privately-owned property along Hutchinson Avenue adjacent to Hutchinson River
Actions:	Design and construction of a 4 MG CSO storage tank and a 3 MG CSO storage tank to provide abatement at CSO Outfalls HP-023 and HP-024, respectively; rehabilitation of existing CSO Outfalls HP-023 and HP-024
Cost:	Under Revision
Status:	Alternatives under consideration
Other Issues:	<b>Water quality sampling plan under negotiation, and will require coordination with Westchester County.</b>

### 3.12. Jamaica Bay CSO

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

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

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

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

#### Work Performed During This Quarter

##### *Design*

- Expansion of 26th Ward WWTP Capacity
  - ◆ DEP has requested modification of the milestone for final design completion to December 2010 to allow more time to develop alternative wet weather and sewer optimization strategies.
  - ◆ **DEP made a presentation related to this modification during the September 2010 CSO Technical Meeting.**

##### *Construction*

- Spring Creek AWPCP Upgrade

- ◆ The certification of construction completion was sent to DEC in April 2007 in satisfaction with the milestone.
- 26<sup>th</sup> Ward Drainage Area Sewer Cleaning and Evaluation
  - ◆ DEP Certified Construction Completion of the 26<sup>th</sup> Ward Drainage Area Sewer Cleaning on May 17, 2010. A Final Inspection meeting was held with DEC personnel on June 28, 2010. An additional final inspection meeting will be scheduled for next Quarter.
- Hendrix Street Canal Dredging
  - ◆ Shop drawing submittals, including the Environmental Health and Safety Plan were reviewed.
  - ◆ **A silt curtain was installed downstream of the project area and the dewatering barge was fabricated, transported and moored at the DEP pier. Supply and return piping was installed and the hydraulic dredge was mobilized to the project site.**
  - ◆ **Production dredging was initiated at the head end of the Hendrix Street Canal.**
  - ◆ **A barge mounted mechanical excavator was mobilized to the project site and began removal of CSO sediment along the eastern bank of the Hendrix Street Canal.**

#### Missed/Modified Milestones

- Dredging
  - ◆ The Notice to Proceed to Construction milestone was modified to February 2010 and the Construction Completion milestone to February 2012 for the Hendrix Street Canal Interim Dredging Project.
- Expansion of 26th Ward WWTP Capacity
  - ◆ On May 5, 2010 DEP request a modification of the the Wet Weather Expansion (XII.F) and associated milestones, deferring the next milestone (final design completion, June 30, 2010) until December 2010. Regulatory, constructability, and cost issues may render the expansion infeasible. DEP requested the deferral to provide more time to develop alternative wet weather and sewer optimization strategies and to complete designs associated with portions of the wet weather expansion that have other operational benefits. DEP also committed to submitting an updated modification request along with a detailed justification 60 days prior to the requested milestone extension date – October 31, 2010.

#### Anticipated Activities for Next Quarter

- Dredging
  - **Continue removal of CSO sediments via hydraulic dredging and placement of clean sand cap in first acceptance area.**

- Expansion of 26<sup>th</sup> Ward WWTP Capacity
  - ◆ Continue to develop an alternate, cost-effective strategy for increasing wet weather capture at 26<sup>th</sup> Ward.
  - ◆ DEC’s final inspection is scheduled for October 5, 2010.

**Table 17 – Jamaica Bay CSO Projects**

Plan Elements:	Dredging	26 <sup>th</sup> Ward Drainage Area Sewer Cleaning and Evaluation	Expansion of 26 <sup>th</sup> Ward WWTP Capacity	Spring Creek Upgrade	Rockaway WWTP Conveyance Improvements
Location:	Phase I- Interim Dredging of Hendrix Street Canal	Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues	Phase IV- 26 <sup>th</sup> Ward WWTP, Brooklyn	Spring Creek, Brooklyn	Rockaway WWTP, Brooklyn
Actions:	Removal of CSO sediment mounds from the head end of the Hendrix Street Canal	Contractor initiated work August 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility	Improve collection system and WWTP capacity to achieve 2DDWF
Project Cost:	\$13.2 million	\$3.88 million		\$87 million	TBD
Status:	<b>Construction 5% complete</b>	100% Complete	Alternative approaches under evaluation	100% complete	Construction Completion in December 2017
Other Issues:	Notice to Proceed to Construction and Construction Complete Milestones dates have been modified by the DEC to February 2010 and February 2012, respectively.	-	Design and construction of elements necessary for 50 MGD wet weather capacity expansion are under review for feasibility	-	Construction Completion in December 2017

### 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. **In the third quarter of 2010, floatables-monitoring activities have continued as part of the following ongoing programs:**
  - (1) Harbor Water Quality Survey: **DEP continued floatables monitoring as incorporated into existing cruise schedules at roughly 50 sites.**
  - (2) Public Participation: The Public Participation component is conducted by the New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years. **Monitoring was conducted at roughly 50 sites.**
  - (3) Long Term Control Plan post construction compliance monitoring (PCM): Floatables monitoring is conducted as part of the PCM for the LTCP facilities that are on line (i.e., Flushing Bay and Spring Creek CSO retention facilities).
  - (4) **Environmental Benefit Shoreline Cleanup Program –This program was undertaken in connection with the settlement of an enforcement action taken by New York State and DEC for violations of New York State law and DEC regulations (the Nitrogen Consent Judgment). During the summer of 2010, there were 103 cleanup events where a crew of 50 manually cleaned visible debris from City beaches. A total of 10 beach locations were each cleaned once every one to two weeks on average.**
- ◆ **Based on the CY2009 results of the floatables monitoring program, the three sites with the most persistently poor floatables ratings (BS-54 "Conference House" Hylan Boulevard, Arthur Kill, Staten Island, BS-NY-1 "Pier 66" (Between 26th and 27th Streets) Hudson River, Manhattan, and BS-NY-10 "60th Street" Hudson River, Manhattan) were identified for site-specific investigation. Dry-weather investigation of these sites was performed on August 31, 2010, and an analysis of these and other sites in 2010 is ongoing. Results of these investigations will be presented in an Annual Report on April 1, 2011.**

#### Missed/Modified Milestones

- ◆ There are no missed milestones.

#### Anticipated Activities for Next Quarter

- ◆ **Analysis of data collected through the floatables-monitoring program activities.**

### 3.14. Environmental Benefits Projects

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

DEP submitted an approvable CSO EBP Plan to DEC in March 2008 that included the implementation of a suite of stormwater management techniques for the Bronx, Flushing, and Gowanus watersheds. The status of these programs is summarized below. The March 2008 EBP Plan was approved April 28, 2008.

#### ▪ Work Performed During This Quarter

##### *Bronx River*

- ◆ **Drexel University and EDesign Dynamics completed their first round of comments on draft contract. Draft contract is currently under review by DEP Legal for consistency with Nitrogen Consent Order EBP contracts and specific comments made by the Drexel Legal Department.**
- ◆ **The stormwater BMP contractor used under the Nitrogen Consent Order stormwater BMP installation will be selected for this work. As construction costs for this contractor are consistent with other bidders used on the Nitrogen Consent stormwater BMPs, this will provide more efficiency as the contractor already has prior experience in stormwater BMP installations.**

##### *Flushing Creek*

- ◆ **All Flushing Creek and Gowanus Canal grantees were brought in to review their scope of work and were supplied with draft contracts for their respective Legal Departments to review. Awaiting comments and additional review by DEP Legal. When review is complete and detailed Scope of Work and budget are approved, contracts will be signed by each grantee recipient.**

##### *Gowanus Canal*

- ◆ **All Flushing Creek and Gowanus Canal grantees were brought in to review their scope of work and were supplied with draft contracts for their respective Legal Departments to review. Awaiting comments and additional review by DEP Legal. When review is complete and detailed Scope of Work and budget are approved, contracts will be signed by each grantee recipient.**

*DEC US Forestry Service Grant*

- ◆ **No progress was made on the Bronx tree pits installations this quarter. Gaia plans to do the planting in Q4.**
- ◆ **Drexel has completed the LIDRA model, posted it to their open source website and refinements as requested by the project partners have been completed.**
- ◆ **Riverkeeper has not selected a property for this project yet. Riverkeeper has been directed to find an approvable site as soon as possible. Design of the GI must be completed by March 31, 2011.**

▪ **Anticipated Activities for Next Quarter**

*Bronx River*

- ◆ **Continue to finalize and sign contract with EDesign Dynamics. Finalize detailed Scope of Work and budget for with specific stormwater BMP technologies.**

*Flushing Creek*

- ◆ **Continue to finalize and sign contract with respective grantees. Finalize detailed Scope of Work and budget for with specific stormwater BMP technologies.**

*Gowanus Canal*

- ◆ **Continue to finalize and sign contract with respective grantee. Finalize detailed Scope of Work and budget for with specific stormwater BMP technologies.**

*DEC US Forestry Service Grant*

- ◆ **Riverkeeper will select a final location for the Newtown Creek project. Design work will begin.**
- ◆ **Gaia will install the tree pits in the HP-009 CSO Shed.**
- ◆ **No work by Drexel. They have completed their work.**

**Table 18 – 2008 Modified CSO Consent Order Environmental Benefits Projects**

<i>Plan Elements:</i>	<i>Bronx River</i>	<i>Flushing Bay and Creek</i>	<i>Gowanus Canal</i>	<i>DEC US Forestry Service Grant</i>
Location:	HP-009 service area	<b>Multiple areas</b>	<b>6th St / 2nd Ave, Brooklyn</b>	Bronx River and Newtown Creek CSO-Sheds
Description:	Stormwater BMP evaluations	Manhattan College New York Hospital Green roof (\$660,440); Columbia University Rego Park Green Streets (\$389,187); RPA bioretention basins under the LIE (\$600,000); Unisphere treatment wetlands and rain gardens for Meadow Lake (\$386,551)	Gowanus Canal Conservancy 6th Street Green Corridor Project	Evaluation of three tree pit types in the HP-009 area in the Bronx; Green infrastructure installation in Newtown Creek CSO shed; Open source access for Drexel University's LIDRA model; Education and stewardship activities in the HP-009 area.
Cost:	Budget: \$850,000 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$2,036,178 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$583,470 Cost to date: \$0 This Qtr: \$0 Next Qtr: \$0	Budget: \$250,000 Cost to date: <b>\$161,751</b> This Qtr: <b>\$3,258</b> Next Qtr: \$45,000
Status:	<b>Drexel University and EDesign Dynamics commented on first contract draft, currently in DEP Legal review. Continue companion project tasks for inclusion into development of proposed BMPs and LIDs under this proposal.</b>	<b>Continue to finalize contracts with respective grantees. Finalize detailed Scope of Work and budget for specific stormwater BMP technologies. DEP will meet with selected proposal winners to review grant documents.</b>	<b>Continue to finalize contracts with respective grantees. Finalize detailed Scope of Work and budget for specific stormwater BMP technologies. DEP will meet with selected proposal winners to review grant documents.</b>	<b>LIDRA model completed; Tree pit design complete; Newtown Creek CSO-Shed GI site selection ongoing.</b>
Other Issues:				All letter agreements are in place with Gaia, Riverkeeper, Drexel and YMPJ.



## 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 2010**:

**Table 19 – 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	-	Jun 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable East River Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
<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 <sup>(1)</sup>	<b>95</b>
<b>E. Drainage Basin Specific LTCPs</b>			
1. Submit Approvable Drainage Basin Specific LTCP for	-	Apr 29 2010	50

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
Alley Creek			
2. Submit Approvable Drainage Basin Specific LTCP for East River	-	6 mos. after approval of II.B.1.	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	-	Jun 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>			
1. Initiate Final Design	Jan 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Apr 2005	100
3. Notice to Proceed to Construction	Feb 2006	-	100
4. Construction Completion	-	Jul 2008	100
<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	-	Jun 2010	<b>94</b>
<b>E. Port Richmond Throttling Facility</b>			
1. Initiate Final Design	Jun 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Aug 2005	100
3. Notice to Proceed to Construction	Jun 2006	-	100
4. Construction Completion	-	Nov 2009	100
F. Submit Approvable Drainage Basin Specific LTCP for Open Waters	-	6 mos. after approval of II.B.1.	50
<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	-	Jun 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>			
1. Initiate Final Design	Mar 2000	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 2002	100
3. Notice to Proceed to Construction	Feb 2003	-	100
4. Construction Completion	-	Apr 2006	100
<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	-	Jun 2010	<b>94</b>
<b>E. In-Line Storage</b>			
1. Initiate Final Design	Jul 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov 2006	100
3. Notice to Proceed to Construction	Aug 2007	-	100
4. Construction Completion	-	Aug 2010	<b>100</b>
F. Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	Jan 2011	50
<b>G. Flushing Tunnel Modernization</b>			
1. Notice to Proceed to Construction	Feb 2010	-	100
2. Construction Completion	-	Sep 2014	<b>14</b>
<b>H. Gowanus Pump Station Reconstruction</b>			
1. Notice to Proceed to Construction	Feb 2010	-	100
2. Construction Completion	-	Sep 2014	<b>14</b>
<b>I. Dredging of Gowanus Canal</b>			
1. Submittal of All Dredging Permit Applications	Dec 2010		-
2. Notice to Proceed with Dredging		TBD <sup>(2)</sup>	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
3. Complete Dredging		TBD <sup>(2)</sup>	-
<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	-	Jul 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
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	Jun 2002	-	100
4. Construction Completion	-	Dec 2009	<b>100<sup>(3)</sup></b>
<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	Sep 2005	-	100
4. Construction Completion	-	May 2011	<b>88</b>
F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov 2005	100
<b>Dredging of Paerdegat Basin</b>			
Submit Joint Application Permit to USACE and DEC to associated with dredging at the head-end and mouth of Paerdegat Basin	-	Dec 2008	100
1. Initiate Final Design	Sep 19, 2010	-	<b>100</b>

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Complete Final Design	-	Sep 19, 2011	-
3. Notice to Proceed with Dredging	Mar 29, 2015	-	-
4. Complete Dredging	-	Mar 19, 2015	-
<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	-	Jun 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
<b>C. CS4-1 Reroute and Construct Effluent Channel</b>			
1. Initiate Final Design	Oct 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1994	100
3. Notice to Proceed to Construction	Jun 1995	-	100
4. Construction Completion	-	Jun 1996	100
<b>D. CS4-2 Relocate Ballfields</b>			
1. Initiate Final Design	Oct 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1994	100
3. Notice to Proceed to Construction	Apr 1995	-	100
4. Construction Completion	-	Aug 1995	100
<b>E. CS4-3 Storage Tank</b>			
1. Initiate Final Design	Dec 1993	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 1996	100
3. Notice to Proceed to Construction	Jul 1997	-	100
4. Construction Completion	-	Aug 2001	100
<b>F. CS4-4 Mechanical Structures - Initiate Final Design</b>			
1. Initiate Final Design	Dec 1993	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Final Design Completion Including CPM Analysis	-	Feb 2000	100
3. Notice to Proceed to Construction	Mar 2002	-	100
4. Construction Completion	-	Sep 2009	100
<b>G. CS4-5 Tide Gates</b>			
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
<b>H. CD-8 Manual Sluice Gates</b>			
1. Final Design Completion Including CPM Analysis	-	May 2003	100
2. Notice to Proceed to Construction	Feb 2004	-	100
3. Construction Completion	-	Jun 2005	100
<b>I. Drainage Basin Specific LTCPs</b>			
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
<b>J. Tallman Island WWTP and associated sewer system are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event</b>			
1. Initiate Final Design	Dec 2007	-	100
2. Final Design Completion including CPM Analysis	-	Dec 2010	60
3. Notice to Proceed to Construction	Dec 2011	-	-
4. Construction Completion	-	Jul 2015	-
<b>B1. Flow Meters (2009 Modification, Appendix B)</b>			
a) Submit flow metering protocols	-	Jul 2009	100
b) Include effluent overflow volumes in monthly reports	-	Within 60 days of DEC approval of 1(a)	-
<b>B2. Odor Control System (2009 Modification, Appendix B)</b>			
a) Apply to register CBS & for inspection variance	-	Sep 2009	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
b) Certify completion of start-up and testing	-	Jun 2009	100
c) Demonstrate system to DEC using water	-	Sep 2009	100
d) Certify construction completion	-	Sep 2009	100
<b>B3. Bar Screens (2009 Modification, Appendix B)</b>			
a) Report on repairs and modifications	-	Jun 2009	100
b) Demonstrate full operation to DEC	-	Sep 2009	100
<b>B4. Tallman Island Regulator 9 (2009 Modification, Appendix B)</b>			
a) Submit report describing telemetry/SCADA systems	-	May 2009	100
<b>VI. Jamaica Tributaries CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Apr 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	-	Jun 2007	100
2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	Jun 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	-	Jul 2009	<b>100</b>
<b>D. Expansion of Wet Weather Capacity of Jamaica WWTP</b>			
1. Initiate final Design	Jun 2009	-	-
2. Submit Form 2A SPDES Application	-	Jun 2010	-
3. Final Design Completion Including CPM Analysis	-	Jun 2011	-
4. Notice to Proceed to Construction	Jun 2012	-	-
5. Construction Completion	-	Jun 2015	-
<b>E. Destratification Facility</b>			
1. Initiate Final Design	Jan 2006	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Final Design Completion Including CPM Analysis	-	Dec 2007	100
3. Notice to Proceed to Construction	Sep 2010	-	-
4. Construction Completion	-	Mar 2012	-
<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
4. Construction Completion	-	Jun 2010	<b>94</b>
<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	-	Jun 2007	100
<b>C. Avenue V Pumping Station Upgrade</b>			
1. Initiate Final Design	Apr 1998	-	100
2. Final Design Completion including CPM Analysis	-	Jan 2005	100
3. Notice to Proceed to Construction	Nov 2005	-	100
4. Construction Completion	-	Apr 2011	<b>59</b>
<b>D. Avenue V Force Main</b>			
1. Initiate Final Design	Apr 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Sep 2006	100
3. Notice to Proceed to Construction	Jul 2007	-	100
4. Construction Completion	-	Jun 2012	<b>89</b>



ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	Jan 2011	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	-	Jun 2007	100
<b>C. Aeration Zone I</b>			
1. Initiate Final Design	Mar 2001	-	100
2. Final Design Completion Including CPM Analysis	-	Dec 2004	100
3. Notice to Proceed to Construction	Dec 2005	-	100
4. Construction Completion	-	Dec 2008	100
<b>D. Aeration Zone II</b>			
1. Initiate Final Design	Jun 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	20
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2014	-
<b>E. Relief Sewer / Regulator Modification</b>			
1. Initiate Final Design	Jun 2007	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2009	10
3. Notice to Proceed to Construction	Jun 2010	-	-
4. Construction Completion	-	Jun 2014	-
<b>F. Throttling Facility</b>			
1. Initiate Final Design	Dec 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2008	100
3. Notice to Proceed to Construction	Jun 2009	-	100
4. Construction Completion	-	Dec 2012	<b>90</b>
<b>G. CSO Storage Facility</b>			
1. Initiate Final Design	Nov 2010	-	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
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	-	Submit with final design plans & specs <sup>(4)</sup>	-
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	Jul 2004	Jun 2007	100
<b>C. Phase I (Influent Sewers)</b>			
1. Initiate Final Design	Jan 2004	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	20
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2015	-
<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	-	Sep 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	-	Jun 2007	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
<b>C. Floatables Control</b>			
1. Initiate Final Design	Jan 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Jul 2008	100
3. Notice to Proceed to Construction	Jun 2009	-	100
4. Construction Completion	-	Jun 2012	<b>12</b>
D. Submit Approvable Drainage Basin Specific LTCP for Bronx River	-	6 mos. after approval of X.B.1.	50
<b>XI. Hutchinson River CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Jul 2003	100
2. Submit Form 2A SPDES Application	-	Submit with final design plans & specs <sup>(4)</sup>	-
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report	-	Jun 2007	100
<b>C. Phase I of the Storage Facility</b>			
1. Initiate Final Design	Apr 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Jun 2010	10
3. Notice to Proceed to Construction	Jun 2011	-	-
4. Construction Completion	-	Jun 2015	-
<b>D. Future Phases</b>			
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>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Dec 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Jamaica Bay Waterbody / Watershed Facility Plan Report	-	Jun 2007	100

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

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
Jamaica Bay			
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
H. Rockaway WWTP Conveyance Improvements		Dec 2017	-
<b>XIII. Citywide Comprehensive Floatables Plan</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Dec 2004	100
<b>XIV. Submit Approvable City-Wide LTCP</b>			
	-	Dec 2017	-

Notes: (1) A modification to the completion date from 12/31/2009 to 11/10/2010 was submitted to DEC on 10/30/ 2009. (2) Dredging NTP 3 years from effective date of permit; completion within 5 years of EDP. (3) CSO Consent Order elements completed and a Certification of Construction Completion has been submitted. (4) A modification request to the submittal date of Form 2A was submitted to DEC on 6/29/2010.

## **5.0 Community Relations**

No public meetings were held during the second Quarter of 2010.

## **6.0 Key Personnel Changes**

**Effective September 21, 2010, the Department of Environmental Protection (DEP) has designated Anthony Maracic, P.E., as the CSO Consent Order Project Manager.**

## 7.0 Other Issues

The following action items were identified during the **September 20, 2010** CSO Quarterly Meeting:

	Action Item	Response	Target Date	Status
1	Inner Harbor – DEP to schedule final inspection upon completion of punchlist for In-Line Storage	<i>Scheduling is ongoing.</i>	No Target Date Established	Under Development
2	Paerdegat Basin – DEP to submit variance	<i>Under City Law Review</i>	9/24/2010	Under Development
3	Paerdegat Basin – DEP to provide a point of contact for USACE permit reviewer for dredging	<i>Contact information relayed to DEC</i>	9/21/2010	Ongoing coordination
4	Flushing Bay – Submit modification request for TI sewer system improvements and include tech memo that provides recommendation from VE review	<i>DEP is developing a modification request.</i>	10/31/2010	Under development
5	Coney Island Creek – DEP to submit Modification Request to align completion milestones for Ave V PS and FM to June 2012	<i>DEP will prepare and submit 60 days before milestone.</i>	2/28/2011	Future Requirement
6	Environmental Benefits Projects (EBP) – DEC Legal to evaluate mechanisms for transferring funds to HRF and provide copy of draft agreement	<i>An update is provided in this report.</i>	No Target Date Established	Under Development
7	Bronx River EBP – DEP to check on status of Drexel University contract	<i>An update is provided in this report.</i>	No Target Date Established	
8	Flushing Bay/Creek EBP – DEP to check on status of grants	<i>An update is provided in this report.</i>	No Target Date Established	
9	Gowanus Canal EBP – DEP to check on status of grants	<i>An update is provided in this report.</i>	No Target Date Established	
10	Gowanus Canal EBP – DEP to follow-up with DPR on site issue for Forestry Grant/Newtown Creek EBP	<i>An update is provided in this report.</i>	No Target Date Established	
11	Forestry Grant / Newtown Creek EBP – DEP to follow-up with DPR on site issue	<i>An update is provided in this report.</i>	No Target Date Established	
12	Consent Order General – DEP and DEC legal to discuss setting up meeting to negotiate changes to LTCP milestones	<i>Meeting has been scheduled for 10/26</i>	Week of 9/27/10	Complete



	<b>Action Item</b>	<b>Response</b>	<b>Target Date</b>	<b>Status</b>
13	<b>Consent Order General – DEP and DEC legal to discuss setting up meeting to negotiate changes to other CSO milestones due to force majeure or mod requests</b>	<i>Meeting has been scheduled for 10/26</i>	<b>Week of 9/27/10</b>	<b>Complete</b>
14	<b>Consent Order General – DEC to provide copies of summary tables of LTCP milestones and other CSO milestones that may be changed due to force majeure or mod requests</b>		<b>No Target Date Established</b>	<b>Under Development</b>
15	<b>Consent Order General – DEC legal to develop new summary of all changes to be covered under next Consent Order amendment</b>		<b>No Target Date Established</b>	<b>Under Development</b>
16	<b>Miscellaneous – DEP to provide an organizational chart of DEP staff associated with CSO program</b>	<i>DEP is developing the org chart.</i>	<b>No Target Date Established</b>	<b>Under Development</b>

## 8.0 Status of LTCP Development

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

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

- ◆ The June 2009 Alley Creek WWFP was approved by DEC on October 29, 2009. Based on the date of approval, the Alley Creek Long-Term Control Plan would have been due on April 29, 2010 (i.e., six months after WWFP approval). However, DEP submitted an Extension Request February 26, 2010 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCPs.
- ◆ **An updated Bronx River WWFP was submitted to DEC on June 28, 2010, and was approved by DEC on July 27, 2010. Based on the date of approval, the Bronx River Long-Term Control Plan is due on January 27, 2011 (i.e., six months after WWFP approval).**
- ◆ The June 2009 version of the Coney Island Creek WWFP was approved July 15, 2009, as amended. The Coney Island Creek LTCP was therefore due on January 15, 2009, i.e., 6 months after approval of the Waterbody/Watershed Facility Plan. However, DEP submitted an Extension Request November 13, 2009 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCPs. The request was sent through technical staff, and was resubmitted through legal staff on December 28, 2009. DEC granted an extension to January 31, 2011 in a letter dated January 13, 2010.
- ◆ The East River Open Waters WWFP was submitted to DEC June 2007.
- ◆ The Flushing Creek WWFP was submitted to DEC on March 31, 2009, and incorporates DEC's comments on the June 2007 Flushing Bay and Creek WWFP, including the recommendation that the Plan be split into two distinct planning areas and documents, i.e., one for Flushing Creek and one for Flushing Bay.
- ◆ The Flushing Bay WWFP was submitted to DEC on June 30, 2009, and incorporates DEC's comments on the June 2007 Flushing Bay and Creek WWFP, including the recommendation that the Plan be split into two distinct planning areas and documents, i.e., one for Flushing Creek and one for Flushing Bay. **DEC provided comments on April 8, 2010, and DEP requested an extension to address those comments on June 7, 2010. DEC responded on July 7, 2010 that they will exercise enforcement discretion until additional evaluations are provided at the September 14, 2010**

**meeting. Those evaluations were presented, but as of the end of the third quarter of 2010 no new date had been established.**

- ◆ The August 2008 version of the Gowanus Canal WWFP was approved July 14, 2009, as amended. An Addendum to the August 2008 Report was submitted to DEC May 18, 2009 incorporating DEC's comments. The Gowanus Canal LTCP was therefore due on January 14, 2010, i.e., six months after approval of the WWFP. However, DEP submitted a Modification Request November 13, 2009 to extend the submittal date, citing ongoing discussions between DEP and DEC regarding the content and structure of LTCPs. The request was sent through technical staff, and was resubmitted through legal staff on December 28, 2009. DEC granted an extension to January 31, 2011 in a letter dated January 13, 2010.
- ◆ The Hutchinson River WWFP was submitted to DEC June 2007. DEC provided comments to this report on May 22, 2009, in response to which DEP agreed to conduct water quality sampling. On January 4, 2010 DEC directed DEP to submit a letter outlining its strategy and timeline for submitting an approvable WWFP subsequent to that sampling effort. A conference call was convened by DEP and DEC on January 29, 2010, and on February 1, 2010 DEP responded. On February 19, 2010, DEC acknowledged the February 1 DEP letter and reaffirmed its direction for DEP to submit a water quality sampling plan and scoping document. **On May 5, 2010, DEP submitted an omnibus modification request that included a commitment to perform water quality sampling in the Hutchinson River in support of the development of a TMDL for the waterbody as well as a request to eliminate the WWFP and proceed directly to developing an LTCP. DEC responded on July 15, 2010 that they would exercise enforcement discretion until DEP submitted an LTCP scoping document, but that they agreed in principle to the elimination of the WWFP.**
- ◆ The Newtown Creek WWFP was submitted to DEC June 2007. **Comments were received from DEC on September 30, 2010. These comments are expected to be addressed during the fourth Quarter of 2010.**
- ◆ The Paerdegat Basin LTCP was approved February 2007.
- ◆ The Westchester Creek WWFP was submitted to DEC June 2007. Comments were received from DEC on January 20, 2010. **On March 19, 2010, DEP requested an extension for resubmission of the WWFP until June 30, 2010. Then on May 5, 2010, DEP submitted an omnibus modification request that included a commitment to provided additional technical analyses and constructability reviews for additional alternatives related to mitigating CSO discharges to Pugsley Creek. DEC responded on June 28, 2010 that they would exercise enforcement discretion for the resubmittal of the Westchester Creek WWFP while these analyses were being completed. On August 25, 2010 DEC determined that the proposed cost-effective sewer improvements were technically acceptable alternatives to the 12 MG CSO storage facility in the CSO Consent Order.**
- ◆ The Jamaica Bay and CSO Tributaries WWFP was submitted to DEC June 2007. The plan covers Bergen Basin, Fresh Creek, Hendrix Creek, Jamaica Bay, Spring Creek, and Thurston Basin.

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



**Environmental  
Protection**

*Caswell F. Holloway  
Commissioner*

**Kathryn Mallon, P.E.**  
Deputy Commissioner  
Bureau of Engineering  
Design & Construction  
kmallon@dep.nyc.gov

96-05 Horace Harding  
Expressway  
Corona, NY 11368  
T: (718) 595-6183  
F: (718) 595-5999

August 20, 2010

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

Re: Order on Consent (CSO Order)  
DEC Case #CO2-20000107-8, Milestone III.E.4  
Certification of Construction Completion for  
Inner Harbor In-Line Storage

Dear Mr. DiMura,

In accordance with Section III-F of the above referenced Consent Order for Combined Sewer Overflow (the Order), this letter is to certify the compliance with a milestone contained in the Order by the New York City Department of Environmental Protection. Specifically, construction has been completed on July 31, 2010 for the Inner Harbor In-Line Storage Project in conformance with Milestone III.E.4 in Appendix A. Attached, please find the certification memorandum from the construction manager.

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

Sincerely,

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

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

Robin Adair Esq.  
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

c: Heather Donnelly, Assistant Counsel, Legal  
Keith Mahoney, Chief, BWT  
Reza Marandi, Chief, BEDC  
Kevin Clarke, Chief, BEDC



**Environmental  
Protection**

*Caswell F. Holloway  
Commissioner*

**Kathryn Mallon, P.E.**  
Deputy Commissioner  
Bureau of Engineering  
Design & Construction  
kmallon@dep.nyc.gov

96-05 Horace Harding  
Expressway  
Corona, NY 11368  
T: (718) 595-6183  
F: (718) 595-5999

## MEMORANDUM

**TO:** Roy Tysvaer, P.E.  
Director, Wastewater Treatment and Water Quality  
Bureau of Engineering Design and Construction

**FROM:** Reza Marandi, P.E.  
Chief, Water Quality Construction  
Bureau of Engineering Design and Construction

**DATE:** July 31, 2010

**SUBJECT:** Inner Harbor In-Line Storage  
DEC Case #CO2-20000107-8  
Certification of Construction Completion

This memorandum provides certification that all facilities necessary to operate the Inner Harbor Inline Storage Project have been constructed in accordance with the approved plans and specifications as of July 31, 2010.

This work has been constructed and made operational in accordance with Milestone III.E.4 in Appendix A of the above referenced Order.



(Seal)

  
\_\_\_\_\_  
(Sign)

Reza Marandi  
\_\_\_\_\_  
(Print)

7/31/2010  
\_\_\_\_\_  
(Date)





*Caswell F. Holloway*  
Commissioner

**Kathryn Mallon, P.E.**  
Deputy Commissioner  
Bureau of Engineering  
Design & Construction  
kmallon@dep.nyc.gov

96-05 Horace Harding  
Expressway  
Corona, NY 11368  
T: (718) 595-6183  
F: (718) 595-5999

September 20, 2010

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

Re: Order on Consent (“CSO Order”), DEC Case #CO2-20000107-8  
Appendix A, IV. Paerdegat Basin CSO, F. Long Term Control Plan  
Certification of Initiation of Final Design

Dear Mr. DiMura,

In accordance with section III, paragraph F of the above referenced CSO Order, this letter is sent as certification of compliance with the above referenced milestone. Final design was initiated for the Paerdegat Dredging, as of September 20, 2010.

Should you have any additional questions, please feel free to contact me at (718) 595-6208.

Sincerely,

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

Roy Tysvaer, P.E.

Attachment: Order to Commence Work

c: Anthony Maracic, Director, BWT  
Keith Mahoney, Division Chief, BWT  
Heather Donnelly, Assistant Counsel, Legal Affairs  
Carter Strickland, Deputy Commissioner, Sustainability  
Angela Licata, Deputy Commissioner, BEPA

**Copy to:**

Robyn Adair, Esq.  
Water Compliance Counsel  
NYSDEC  
Division of Environmental Enforcement  
625 Broadway, 14<sup>th</sup> Floor  
Albany, New York 12233

Stephen A. Watts  
Environmental Program Specialist II  
NYSDEC  
Division of Environmental Permits  
47-40 21st Street  
Long Island City, NY 11101-5407

Gary Kline, P.E.  
Chief Region 2  
NYC Municipal Compliance Section  
NYSDEC  
625 Broadway  
Albany, New York 12233-5500

Robert Elburn, P.E.  
Regional Water Engineer  
NYSDEC  
Division of Water, Region 2  
47-40 21<sup>st</sup> Street  
Long Island City, New York 11101

William Plache, Esq.  
Assistant Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, NY 10007  
Timothy Burns, P.E.  
Environmental Facility Corporation  
625 Broadway  
Albany, New York 12233-5500

Susan McCormick, P.E.  
Assistant ACO Administrator  
NYSDEC  
625 Broadway, 4th Floor  
Albany, NY 12233-3506



September 17, 2010

Paul Storella, P.E.  
AECOM/Hydroqual JV  
c/o AECOM  
605 Third Avenue  
27th Floor  
New York, NY 10158

Caswell F. Holloway  
Commissioner

Mary F. Pazan  
Agency Chief Contracting Officer  
mpazan@dep.nyc.gov

Re: **ORDER TO COMMENCE WORK**  
Contract **CSO-DRDG**: Citywide Dredging  
Engineering Design Contract Services

59-17 Junction Boulevard  
Flushing, N.Y. 11373

T: (718) 595-3925  
F: (718) 595-3278

Dear Mr. Storella:

Enclosed is one copy of the duly executed contract, dated **June 17, 2010**, and registered with the Office of the Comptroller on **September 08, 2010**, under registration number **CTC 826 20111402281**. The original contract amount is not to exceed **\$20,736,418.00**. The date for commencement of assigned work is **September 20, 2010**. The date to complete all related work is **September 18, 2016**, a total of **2190 consecutive calendar days**. The contract is for **Citywide Dredging Engineering Design Contract Services**.

The administration of this contract will be under the direction of **Daby Marulanda** located at **96-05 Horce Harding Expressway, 4<sup>th</sup> floor, (718) 595-3869**. All inquiries regarding this contract should be addressed to this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Debra Butlien", written over a large, stylized, circular flourish.

Debra Butlien  
Deputy Agency Chief Contracting Officer



Caswell F. Holloway  
Commissioner

James G. Mueller, P.E.  
Assistant Commissioner  
for Wastewater Treatment  
Planning & Capital Projects  
jmueller@dep.nyc.gov

96-05 Horace Harding  
Expressway  
Corona, NY 11368  
T: (718) 595-5973  
F: (718) 595-6950

September 30, 2010

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

Re: Order on Consent (CSO Order)  
DEC Case #CO2-20070101-1  
Appendix A, VI. Jamaica Tributaries CSO,  
E. Destratification Facility 3. Notice to Proceed to Construction  
**Certification of Compliance with Milestone  
Shellbank Basin Destratification Facility**

Dear Mr. DiMura:

In accordance with Section III.F of the above-referenced CSO Order, this letter is sent as certification of compliance by the New York City Department of Environmental Protection with the above named milestone. Notice to proceed to construction has been transmitted to the general contractor for the Shellbank Basin Destratification Facility. A copy of the Order to Commence Work is attached.

Please contact me at (718) 595-5045 if you have any questions regarding this certification.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony Maracic'.

Anthony Maracic, P.E.  
Director, Capital Planning and  
Asset Management

Attach.



September 21, 2010

**Primer Construction  
180 Maspeth Avenue  
Brooklyn, NY 11211**

**Caswell F. Holloway  
Commissioner**

**RE: ORDER TO COMMENCE WORK FOR CONTRACT CSO-JT-DF-G**

Dear Contractor:

**Mary F. Pazan  
Agency Chief Contracting Officer  
mpazan@dep.nyc.gov**

Transmitted herewith is your duly executed contract CSO-JT-DF-G for furnishing all labor and materials necessary and required for the **Shellbank Basin Destratification Facility, General Work.**

59-17 Junction Boulevard  
Flushing, N.Y. 11373

The Contract was:

T: (718) 595-3925  
F: (718) 595-3278

Awarded to you on	April 15, 2010
Executed on	April 30, 2010
Registered by the Comptroller on	June 29, 2010

The Contract was awarded in the amount of \$2,368,000.00 and the registration number is CTC 826 20101419260.

The commence work date is **September 27, 2010**. You must complete the work within **550 consecutive calendar days** as fixed in the General Conditions, or within the time such completion may be extended. The date to complete all work is **March 30, 2012**.

Upon receipt of this order please contact **Reza Marandi**, located at **96-05 Horace Harding Expressway, 5<sup>th</sup> Floor, (718) 595-5932**.

Yours truly,

A handwritten signature in black ink, appearing to read 'Debra Butlien', written over a faint, illegible stamp or background.

**Debra Butlien  
Deputy ACCO**

c(w/Attach.): Roy Tysvaer, Director, BEDC  
Keith Mahoney, Division Chief, BWT  
Heather Donnelly, Assistant Counsel, Legal

Copy to:

James DeZolt  
Director  
Division of Water  
New York State Department of Environmental Conservation  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3506

Gary E. Kline, P.E.  
Division of Water  
New York State Department of Environmental Conservation  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-3506

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, NY 11101

Robyn Adair, Esq.  
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**APPENDIX B**  
**NYSDEC COMMENTS ON PREVIOUS QUARTERLY REPORT**

**New York State Department of Environmental Conservation**

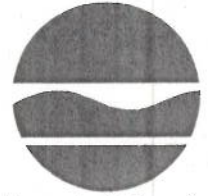
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Alexander B. Grannis  
Commissioner

September 1, 2010

Mr. Roy Tysvaer, P.E.  
Director, Wastewater Treatment and Water Quality  
Bureau of Engineering Design and Construction  
NYC Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, New York 11373-5108

Re: Order on Consent (CSO Order)  
DEC Case #CO2-20000107-8  
2<sup>nd</sup> Quarter - CSO Quarterly Progress Report

Dear Mr. Tysvaer:

Please find attached comments on the 2<sup>nd</sup> Quarter - CSO Quarterly Progress Report. If you have any questions regarding this letter, please contact Linda Allen, P.E. at 518-402-8234.

Sincerely,

Gary E. Kline, P.E.  
Section Chief  
NYC Municipal Compliance Section

Attachment as stated

cc: DEP: D. Hammerman, K. Mahoney, D. Chao, L. Lee  
DEC: S. McCormick, R. Adair  
NEIWPCC: L. Allen, P. Kenline



NYS DEC Comments  
Quarterly Report  
2<sup>nd</sup> Quarter 2010

**1. Section 1.0, Executive Summary**

- Page 1-3, Table 1, Jamaica Bay, 26<sup>th</sup> Ward WWE: The action required also includes Submittal of Form 2A SPDES Application.
- Page 1-6, Table 4, Newtown Creek: The DEP has commenced construction of the Throttling Facility and is no longer requesting a modification to the NTPC milestone, therefore, remove this element of the modification request from the table.

**2. Section 2.0, Construction Contracts:**

- Page 2-2, Table 5, Newtown Creek, Throttling Facility: The estimated completion date is June 2010, although the project was only 85 percent complete by the end of the quarter. Therefore, please provide an updated estimated completion date.

**3. Section 3.4, Paerdegat Basin:**

- Page 3-11: The updated Form 2A SPDES Application and Wet Weather Operating Plan for Paerdegat Basin CSO tank were submitted to DEC on May, 21, 2010.

**4. Section 3.6, Jamaica Tributaries:**

- Page 3-23, Anticipated Next Quarter, Destratification Facility: The report should indicate that the Notice to Proceed to Construction will be issued for the G contract.

**5. Section 3.7, Newtown Creek:**

- Page 3-30, Design, Phase I Aeration Facility: During a site visit on June 2, 2010 by the IEM, one of the blowers was not operational. Provide an update on the operational status of the blower.

**6. Section 3.10, Hutchinson River:**

- Page 3-39, Anticipated Activities Next Quarter: The report indicates that the DEP will initiate water quality sampling next quarter, however, per the telecom between DEP and DEC on July 29, the water quality sampling to be conducted by DEP will not start until spring 2011.

**7. Section 3.12, Jamaica Bay:**

- Page 3-42, Missed/Modified Milestones, Expansion of 26<sup>th</sup> Ward WWTP Capacity: The report incorrectly states that the DEC responded to the modification request on June 28, 2010 for the Final Design Completion milestone for the 26<sup>th</sup> Ward Wet Weather Expansion; the DEC did not respond to this specific milestone modification request and is not currently exercising enforcement discretion on this specific modification request.
- Page 3-42, Worked Performed This Quarter: The final inspection meeting held on 6/28/10 for the 26th Ward Sewer Cleaning project did not meet DEC expectations. Another final

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inspection meeting will be scheduled once DEP completes the evaluation of the results of the sewer cleaning on the flow directions to the WPCP.

- Page 3-43, Table 17: Tables 5 and 19 indicate that the Hendrix Canal Dredging project is 0 percent complete while Table 17 indicates that construction is 20 percent complete. Ensure that the correct percentage is reported in all tables.

**8. Section 3.14, Environmental Benefit Projects:**

- Page 4-45, Flushing Creek: There are four grantees, not five, for the Flushing EBP funds.
- Page 4-46, Gowanus Canal: There is one grantee, not five, for the Gowanus Canal EBP funds.

**9. Section 4, Compliance Status:**

- Page 4-9, Table 19, Newtown Creek, Throttling Facility: Table 19 indicates that the project is 40 percent complete, but information in Section 3 indicates that it is 85 percent complete.
- Page 4-11, Table 19, Bronx River, Floatable Control: Table 19 indicates that the project is 5 percent complete, but information in Section 3 indicates that it is 8 percent complete.

**10. Section 7, Other Issues:**

- Item 2: Provide submittal date if occurred within 2<sup>nd</sup> Quarter.
- Item 4: DEC emailed to H. Donnelly on 5/7/2010.
- Item 5: DEP submitted Form 2A SPDES Application on 5/21/2010.
- Item 6: DEC emailed to H. Donnelly on 5/7/2010.