



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

CSO Order on Consent

Quarterly Progress Report

Second Quarter 2023

(April 1st – June 30th)

July 31, 2023

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1. Executive Summary

The City of New York (the “City”), the New York City Department of Environmental Protection (DEP), and the New York State Department of Environmental Conservation (DEC) entered into the Combined Sewer Overflow Order on Consent (DEC Case # CO2-20000107-8) on January 14, 2005, which has been modified several times since 2005 including, April 14, 2008, September 3, 2009, March 8, 2012, March 26, 2015, and June 29, 2023 (collectively, the “CSO Order”). Pursuant to the CSO Order, the City is required to submit quarterly status reports to DEC (“Quarterly Reports”) describing actions taken toward achieving compliance with the CSO Order during the prior three-month period.

This Quarterly Report summarizes DEP’s actions and activities toward complying with the CSO Order’s milestones between **April 1, 2023** and **June 30, 2023**. DEP continued to make progress in the planning, design, and construction of its CSO facilities during this quarter, as documented in this report. As required by the CSO Order, DEP and DEC held a Quarterly Progress Meeting on **June 14, 2023** for the **first** quarter of **2023** and is scheduled to hold a Quarterly Progress Meeting on **September 20, 2023** to discuss issues related to the Order and review milestones met during the **second** quarter of **2023**.

Reportable Activity This Quarter

Date	Location	Event Description
4/14/2023	Alley Creek	DEP requests modification to CSO milestones
6/2/2023	Alley Creek	Submitted modified monitoring and sampling plan for Oakland Ravine Daylighting and Technical Feasibility Study
7/18/2023	Alley Creek	Alley Creek Modification Effective date
6/29/2023	Citywide Green Infrastructure	2023 Citywide GI Modification to CSO Order Effective date
5/26/2023	Citywide Open Waters	DEP responded to DEC comments on Supplemental LTCP docs

Date	Location	Event Description
5/8/2023	Flushing Bay	DEC requests documentation of the scope of the structural assessment
5/16/2023	Bronx River	DEP submitted Force Majeure request for NTP milestone
5/19/2023	Bronx River	DEC accepted Force Majeure request
5/1/2023	SOG	NTP Milestone complete for Replacement of Digesters at HP WRRF
5/1/2023	SOG	Design Completion Milestone complete for Replacement of Digesters at HP WRRF
4/26/2023	Flushing Creek	DEC requested additional documentation on site acquisition efforts prior to approving milestone modification
5/26/2023	Flushing Creek	DEP provided responses to DEC's questions and request for site acquisition documentation
4/17/2023	Green Infrastructure 4%	DEC approved extension of informal negotiations to NLT 5/31/2023
4/28/2023	Green Infrastructure 4%	DEP request extension of GI Annual Report submittal to 5/30/2023 and report was submitted
5/1/2023	Green Infrastructure 4%	DEC approved extension of informal negotiations
6/9/2023	Jamaica Tributaries	DEP submitted Force Majeure for Reconstruction at Spring Creek CSO Facility
4/26/2023	Jamaica Bay	DEC requests detailed schedule for remaining phases of installation of Ribbed Mussels in Bergin and Thurston Basin
6/21/2023	Jamaica Bay	DEP submitted response to DEC questions on 4/26/2023 letter

Milestone Actions This Quarter (April 1 – June 30, 2023)

Location	Item Description	Milestone Date	Action	Status
None				

Milestone Actions Next Quarter (July 1 – September 31, 2023)

Location	Item Description	Milestone Date	Action Required	Status
Bronx River	BX River Hydraulic Relief	9/30/2023	NTP	

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

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
Alley Creek LTCP	Alley Creek CSO Retention Facility Disinfection System	Design Completion Milestone modification	To evaluate and identify an appropriate alternative to disinfection	Design Completion March 2026	The proposed modification was published in the ENB on June 14, 2023. DEC approved the Alley Creek modified milestones on 7/18/2023 following a 30-day public comment period.
Bronx River	Conveyance Improvements	DEP submitted a modification request on October 30, 2020 to eliminate a portion of the design scope of work and DEC responded on	During design DEP determined that the HP-007 element of the proposed project would result in only minor CSO reductions.	Design Completion: 9/30/2022 for HP-009 and HP-011 A modification request was submitted for the HP-007 milestone	DEC requested additional follow up on attainment levels in the NYC freshwater portion of the Bronx River and discussions between DEP and DEC are ongoing.

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
		12/4/2020 requesting additional data.		date to 01/30/2023	
Bronx River	Hydraulic Relief at HP-011	DEP submitted a FM request on 5/16/2023.	Joint venture submitted request to withdraw low bid due to an error.	NTP Construction: 9/30/2023	<p>DEP noted that there is currently a 45-day extension based on this Force Majeure.</p> <p>DEC responded 05/19/23 determining that the unexpected withdrawal of the contractor's bid due to a bid error constitutes a valid force majeure event and a formal determination of the delay will be made once the NTP to construction has been issued for the project.</p>
Flushing Creek	Disinfection and floatables control project	Split the approved Flushing Creek LTCP project for floatables control and disinfection into 2 separate projects and set of milestones	DEP has identified three properties that DEP must acquire prior to completion of design for the disinfection facilities to accommodate both disinfection and dechlorination at the Flushing Bay CSO Retention Facility.	Design Completion: 9/30/2022	Design for the floatables control portion of the project is complete. DEP submitted a modification request on 7/29/22 requesting to split the two elements of the project and for a modified milestone schedule. DEP responded to DEC comments on modification

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
					request on 3/31/2023 and 5/26/2023
GI Program	Informal negotiations regarding GI 4% Contingency Plan	Modify the GI Consent Order Requirements	DEP & DEC have finalized a GI Modification	12/30/2022	2023 Citywide Green Infrastructure Modification to CSO Order Effective as of 6/29/2023
Jamaica Bay & Tribs	Construction on Spring Creek Tide Gates & Effluent Chamber	During construction, protruding bolts in effluent channel or impacting bulkheading and dewatering of channel.	DEP submitted a force majeure request on 7/9/2023.	3/30/2024	DEC submitted a response on 7/19/2023 requesting full dive inspection report.



2. Construction Contracts

The CSO Order contains milestones and schedules governing the planning, design and construction of DEP's Citywide CSO Program. Numerous CSO-related facilities will be constructed to reduce combined sewage discharges to the receiving waters surrounding the City. The table below identifies, by percentage, the estimated amount of construction that has been performed on projects that are in progress.

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

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



3. Alley Creek CSO

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

Design is on hold while DEP evaluates alternatives to disinfection based on additional facility planning for the disinfection facility. DEP submitted an amended modification request April 14, 2022 and engaged in extensive discussions with DEC concerning that modification request and evaluation and identification of an appropriate alternative to disinfection. DEP has proposed deferring construction of the disinfection facilities to allow additional time to assess an Oakland Lake stormwater diversion and constructed wetlands as potential substitute projects to disinfection. The proposed modified milestones were publicly noticed in the ENB on June 14, 2023.

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

Alley Creek CSO	DEC Approved Milestones ⁽¹⁾	Status
1. Initiate Final Design	Sept 2018	Certified by DEP Oct 2, 2017
2. Design Completion	Sept 2021⁽⁴⁾ Mar 2022 ⁽¹⁾	BODR Completed, 10% Design TBD pending discussions with DEC on DEP's modification request.
3. Notice to Proceed to Construction	Sept 2022 ⁽¹⁾	TBD Pending Design Completion
4. Construction Completion	Sept 2024 ⁽¹⁾	TBD Pending Design Completion

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



Gowanus Canal CSO LTCP Approved on March 29, 2017

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

5. Flushing Bay CSO

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

Construction Contracts

	Tallman Island Flushing Interceptor	Divert Low-Lying Sewers / Raise Weir BB-R02	Regulator Modifications	Environmental Dredging
<i>Contract ID</i>	TBD	CS-FB-LLD	CS-FB-BWR	CSO-DRDG DRG-FB
<i>Plan Elements</i>	Monitor Flushing Interceptor sag in Ulmer Street and address if periodic monitoring indicates necessity	Divert Low Lying sewers in vicinity of Bowery Bay WRRF. Raise weir at regulator BB-02	Bowery Bay High Level Interceptor regulator modifications at ten regulators	Environmental Dredging of Flushing Bay
<i>Location</i>	From MH 45 at Whitestone Expressway to MH 29 at Ulmer Street and 25 th Avenue	Regulator BB-02. Berrian Blvd and 19 th Ave between 43 rd St. and 45 th St.	Five of ten regulators along 108 th street, Ditmars Blvd and the LaGuardia Airport site	Proximate to CSO Outfalls BB-006 and BB-008
<i>Construction Cost</i>	TBD	\$5,610,000	\$28,959,345	\$37,560,000
<i>Status</i>	DEP submitted survey results on 11/30/2022 and DEC responded on 2/22/2023 providing three options for DEP to complete in order to eliminate 5-year survey commitment. DEC requested that DEP respond by 4/22/2023. DEP responded on 4/24/2023 providing	Certified Complete on 9/11/2017	Certified Complete on 6/8/2018	Completed on 8/16/18.

the 2019 CCTV results, along with informing DEC of a structural assessment capital project with DDC. DEC sent an additional request on 5/8/2023 requesting the DDC structural assessment scope and slides from the 2019 CCTV inspections. DEP responded and provided all requested information on 6/26/2023.

Design Activity Summary

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

Construction Activity Summary

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

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

Flushing Bay CSO Schedule, CSO-FB-TUN

Flushing Bay CSO	DEC Approved Milestones	Status
1. Initiate Design	7/31/2022	Complete
1a. Submit Approvable Engineering Design Report	12/31/2023	12/31/2023

1b. Submit Rikers Island Feasibility Study	12/31/2023	12/31/2023
1c. Submit Decision Matrix for use of Rikers Island for construction of new WRRF	12/31/2023	12/31/2023
1d. Provide final decision for use of Rikers Island for construction of new WRRF	12/31/2024	12/31/2024
2. Design Completion	Jun 2025 ⁽¹⁾	TBD Pending Design Start
3. Notice to Proceed to Construction	Jul 2026 ⁽¹⁾	TBD Pending Design Completion
4. Construction Completion	June 2035 ⁽¹⁾	TBD Pending Design Completion

⁽¹⁾ Milestone dates may be subject to revision by DEC upon its approval of the Engineering Design Report (Item V.G.2)

Appendix C: State of Good Repair Projects (Flushing Bay CSO Order Modification), Approved on September 22, 2022

State of Good Repair Project Schedule

Project	DEC Approved Milestones	Status
A. Reconstruction of Primary Settling Tanks at Bowery Bay WRRF (BB-216)		
1. Submit Approvable BODR	12/2022	Completed
2. Design Completion	12/2021	12/2021
3. NTP Construction	3/2024	TBD
4. Construction Completion	1/2029	TBD
B. Replacement of Existing Emergency Generators at Bowery Bay WRRF		
1. Submit Approvable BODR	12/2026	12/2026
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
C. Replacement of Digesters at Hunts Point WRRF (HP-238)		
1. Submit Approvable BODR	12/2022	Completed
2. Design Completion	6/2021	Completed
3. NTP Construction	4/2022	Completed
4. Construction Completion	8/2028	TBD
D. Reconstruction of Sludge Handling Equipment at Hunts Point WRRF		
1. Submit Approvable BODR	12/2025	12/2025
	TBD	TBD

2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion		
E. Reconstruction of Primary Settling Tanks at North River WRRF		
1. Submit Approvable BODR	12/2023	12/2023
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD
F. Rehabilitation of North River WRRF Influent and Effluent Gates and Bar Screens		
1. Submit Approvable BODR	12/2027	12/2027
2. Design Completion	TBD	TBD
3. NTP Construction	TBD	TBD
4. Construction Completion	TBD	TBD

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

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

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

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



6. Jamaica Tributaries CSO

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

Construction Contracts

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

Design Activity Summary

	This Quarter	Next Quarter
Parallel 48-inch Siphon/Interceptor	• NA- Complete	
Bergen Basin 18" Sewer	• NA- Complete	

Construction Activity Summary

This Quarter	Next Quarter
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Parallel 48-inch Siphon/Interceptor	• Complete as of 2/28/17
18-inch Sanitary Sewer in 150 th Avenue	• Complete as of 7/6/20

Appendix C: State of Good Repair Projects (Jamaica Tributaries CSO LTCP), Approved on September 22, 2022

State of Good Repair Project Schedule

Project	DEC Approved Milestones	Status
G. Reconstruct tide gates/effluent chambers at the Spring Creek CSO Retention Facility WRRF (26W-149)		
1. Submit Approvable BODR	9/2022	Complete
2. Design Completion	7/2019	Complete
3. NTP Construction	6/2021	Complete
4. Construction Completion	3/2024	
H. Replace main sewage pumps at the Rockaway WRRF		
1. Submit Approvable BOR	6/2025	
2. Design Completion	TBD	
3. NTP Construction	TBD	
4. Construction Completion	TBD	
I. Reconstruct fender and bulkhead at the Rockaway WRRF		
1. Submit Approvable BODR	12/2026	
2. Design Completion	TBD	
3. NTP Construction	TBD	
4. Construction Completion	TBD	
J. Reconstruct heating system and greenhouse gas reduction at the Coney Island WRRF		
1. Submit Approvable BODR	12/2026	
2. Design Completion	TBD	
3. NTP Construction	TBD	
4. Construction Completion	TBD	
K. Install 13 new centrifuges at the 26th Ward WRRF		
1. Submit Approvable BODR	12/2026	
2. Design Completion	TBD	
3. NTP Construction	TBD	
4. Construction Completion	TBD	
L. Reconstruct power distribution equipment at the Rockaway WRRF		
1. Submit Approvable BODR	12/2025	
2. Design Completion	TBD	
3. NTP Construction	TBD	
4. Construction Completion	TBD	



7. Newtown Creek CSO

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

Construction Contracts

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

Design Activity Summary

This Quarter		Next Quarter
Enhanced Aeration 2	• NA - Complete	
Bending Weirs / Floatables Control	• NA - Complete	

Construction Activity Summary

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

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

Newtown Creek CSO Schedule

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

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

CSO Storage Tunnel	DEC Approved Milestones ⁽¹⁾	Status
1. Initiate Final Design	Aug 2022	8/30/22 - DEP Certified Design Start CSO-NC-DES
2. Design Completion	Dec 2028	TBD Pending Design Progress
3. Notice to Proceed to Construction	Dec 2029	TBD Pending Design Completion
4. Construction Completion	Dec 2040	TBD Pending Design Completion

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



8. Westchester Creek CSO

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

Construction Contracts

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

Design Activity Summary

	This Quarter	Next Quarter
Modifications to CSO-29 and CSO-29A	• Completed	
Pugsley Creek Parallel Interceptor Start from CSO-24	• Completed	

Construction Activity Summary

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



9. Bronx River CSO

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

Bronx River CSO Schedule, CSO-BXR-DES

Bronx River CSO	DEC Approved Milestones ⁽¹⁾	Status ⁽²⁾
1. Initiate Final Design	Sept 2018	Design Initiated 8/27/2018
2. Design Completion	Sept 2022	DEP submitted modifications to design scope on 10/30/2020 and milestone modification request - Under DEC review. Certified design completion for HP-009 and HP-011.
3. Notice to Proceed to Construction	Sept 2023	HP-009 and HP-011 proceeding to NTP (FM for low bidder on HP-011) and discussions ongoing to eliminate HP-007.
4. Construction Completion	Sept 2026	TBD

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

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



10. Hutchinson River CSO

Hutchinson River LTCP, CSO Outfall HP-024 2.8 MG Storage Conduit with Floatables Control, Approved on March 20, 2023

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

Hutchinson River CSO	DEC Approved Milestones	Status
1. Initiate Final Design	Sept 2018	Design Initiated, 8/15/2018
2. Design Completion	March 2027	Design In Progress
3. Notice to Proceed to Construction	August 2028	TBD Pending Design Completion
4. Construction Completion	July 2033	TBD Pending Design Completion



11. Jamaica Bay CSO

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

Rockaway WRRF - Consent Order Modification Compliance Schedule

Order Modification was effective May 25, 2021

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

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

6. Permanently seal tide gate chambers connected to active stormwater outfalls as identified in the Inspection Report

May 25, 2024

Complete

DEP submitted stamped construction completion certification to DEC on February 23, 2023. DEC accepted the construction completion certificate on February 27, 2023.

Construction Contracts

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

Design Activity Summary

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

26 th Ward Preliminary Treatment Reliability Improvements	<ul style="list-style-type: none"> • Complete
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Construction Activity Summary

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



12. Wards Island WRRF Headworks Wet Weather Improvements

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

Construction Contracts

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

Design Activity Summary

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

Construction Activity Summary

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



13. Environmental Benefit Projects

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

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

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



14. Green Infrastructure Program

The 2023 Citywide Green Infrastructure Modification to the CSO Consent Order (Modified CO: CO 2-20230228-38) effective June 29, 2023 sets forth schedule, capture targets, expenditure targets and other requirements for the program to reduce CSO volume in combined sewer areas through the use of green infrastructure and to construct green infrastructure assets citywide to manage stormwater.

Program Implementation

DEP has identified Priority Areas based on several criteria, such as annual CSO volume, frequency of CSO events, and projected benefits of projects constructed through DEP's Waterbody/Watershed Facility Plans or other system improvements planned. DEP also notes outfalls in close proximity to existing and future public access locations. DEP continues to review and expand the Priority Areas to ensure sufficient green infrastructure implementation to meet the **2040** goal set forth in the Order.

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

DEP's initial efforts focused primarily on the Area-wide right-of-way contracts building curbside rain gardens, infiltration basins, Stormwater Greenstreets, and porous pavement. DEP's standardized designs and procedures have been critical to supporting the systematic implementation of green infrastructure at a wide scale. DEP expects to continue green infrastructure implementation using an expanded array of tools. While right-of-way implementation has been the greatest focus



Curbside Rain Garden (Bioswale)



Stormwater Greenstreet

of the first decade of the Program, DEP is making significant advancements into other implementation areas as well, expanding public on-site retrofits on schools, parks and housing properties, implementing new and enhanced stormwater regulations, exploring daylighting opportunities in the Bronx, and implementing stormwater recovery and reuse projects.

During the second Quarter of 2023, planning, design and construction work continued in several Green Infrastructure (GI) Program initiatives and are generally summarized below.

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



- Stormwater Regulations – projects constructed by public and private property owners in compliance with Chapters 31 and 19.1 of Title 15 of the Rules of the City of New York (RCNY), including the 2022 Unified Stormwater Rule and New York City Stormwater manual published as effective on February 15, 2022.

Status of Constructed Green Infrastructure Assets and Greened Acres

Watershed	Total Green Infrastructure Assets	Total Greened Acres
Alley Creek	4	1
Bronx River	438	134
Coney Island Creek	55	13
East River / Open Waters	2,337	678
Flushing Bay	848	103
Flushing Creek	2,186	278
Gowanus Canal	149	29
Hutchinson River	209	33
Jamaica Bay & Tributaries	4,670	787
Newtown Creek	1,650	213
Westchester Creek	235	31
Total	12,781	2,299

Tibbetts Brook Project Update

- **CSX Acquisition**
 - In May 2023 the Surface Transportation Board (STB) approved trail use for the corridor. DEP coordinating with CSX on further required notifications to STB. The City and CSX continue working toward closing by August 2024
- **Phase 1 Improvements**
 - Work is scheduled to begin Summer 2023
- **Phase 2 Design and Engagement**
 - 75% design interagency review and coordination is ongoing
 - Meetings held during the second quarter of 2023 include two public meetings and a site walk of the CSX Corridor with the Tibbetts Advisory Group as well as a presentation of preliminary design to Bronx Community Board 8
 - DEP and Parks will seek NYC Public Design Commission review and approval of preliminary design next quarter.

List of Active Green Infrastructure Projects Towards Next Milestone

The table below provides the status of projects currently underway and contributing to the CSO volume reduction milestone of 668 million gallons per year (mgv) by December 31, 2025.

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



15. Community Relations

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

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

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

LTCP and Green Infrastructure Education & Outreach Meetings

Outreach Meeting	Date	Outreach Type	No. of Attendees
Green Infrastructure Grant Program Spring Workshop	June 7, 2023	Virtual	12

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

16. Key DEP Personnel

DEP Bureau and corresponding Portfolio Manager and Accountable Manager.

Planning Area	Project	DEP Responsible Personnel		
		Bureau	PM	AM
Alley Creek	CSO-AC-DF-DES: Alley Creek CSO Disinfection	BEDC	Osit	-
Flushing Bay	CSO-FC-FB-DES: Flushing CSO Floatables Control	BEDC	Tysvaer	Harvey
	CSO-FC-DF-DES: Flushing CSO Disinfection Facility	BEDC	Tysvaer	Harvey
	CSO-FB-TUN: Flushing Bay CSO Storage Tunnel	BEDC	Osit	Liu
Flushing Creek	CSO-FC-DF: Flushing Creek Disinfection and Floatables	BEDC	Tysvaer	Harvey
Newtown Creek	CSO-NC-4: Dutch Kills, Lower Newtown	BEDC	Tysvaer	Ekhlas
	CSO-NC-3: East Branch, Upper Newtown	BEDC	Tysvaer	Ekhlas
	CSO-NC-2: Enhanced Aeration Lower English Kills	BEDC	Tysvaer	Adabi
	CS-NC-REG&FLO: Regulators / Floatables Control	BEDC	Tysvaer	Ekhlas
	CS-NC-CST: CSO Storage Tunnel	BEDC	Tysvaer	Edden
	CS-NC-BAP: Borden Ave PS Expansion	BEDC	Tysvaer	Harvey
Bronx River	CS-BX-LTP: Bronx River LTCP	BEDC	Solimando	Sadat
Hutchinson River	CSO-HR-DF: Hutchinson River Disinfection	BEDC	Tysvaer	Szeto
Jamaica Bay	CS-FB-SEW: 26th Ward / Fresh Creek HLSS	BWSO	Gordon	Proscia
	26W-20: 26th Ward Wet Weather Stabilization	BEDC	Solimando	Heim
	26W-21: 26th Ward High Level MSPs	BEDC	Solimando	Heim
	CS-JB-MUS: Ribbed Mussels	BEPA	McLaughlin	TBD
	CS-JB-WET: Wetland Restorations	BEPA	McLaughlin	TBD
	BB-DRDG: Bergen Basin Dredging	TBD	TBD	TBD
EBP	Environmental Benefit Projects	BEPA	McLaughlin	Chen
GI	Green Infrastructure	BEPA	Enoch	Kocovic



17. Overview of LTCP Program

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

LTCP Milestones

	CSO Watershed	LTCP Milestone	Status
1	Alley Creek	June 2013	Approved 3/7/17
2	Westchester Creek	June 2014	Approved 8/1/17
3	Hutchinson River	September 2014	Approved 3/7/17
4	Flushing Creek	December 2014	Approved 3/7/17
5	Bronx River	June 2015	Approved 3/7/17
6	Gowanus Canal	June 2015	Approved 3/29/17
7	Coney Island Creek	June 2016	Approved 4/4/18
8	Flushing Bay	December 2016	Approved 3/7/17
9	Newtown Creek	June 2017	Approved 6/27/18
10	Jamaica Tributaries & Bay ¹	June 2018	Approved 1/31/23
11	Citywide/Open Waters ²	May 2020	DEC Review

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

New York City CSO Watersheds



18. Status of LTCP Development

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

LTCP Activity Status

CSO Watershed	Alley Creek1	Westchester Creek2	Hutchinson River3	Flushing Creek4	Bronx River5	Gowanus Canal6	Coney Island7	Flushing Bay8	Newtown Creek9	Jamaica Bay10	Citywide/ Open Waters
LTCP Due Date	June 2013	Jun 2014	Sept 2014	Dec 2014	Jun 2015	Jun 2015	Jun 2016	Dec 2016	Jun 2017	Jun 2018	May 2020
Waterbody Startup											
Sampling											
Modeling											
Alternatives Development											
LTCP Development											
Public Participation											
Approval Date	Mar 2017	Aug 2017	Mar 2017	Mar 2017	Mar 2017	Mar 2017	Apr 2018	Mar 2017	Jun 2018	Pending	Pending

LEGEND: = Completed = In Progress = Not Initiated

¹Final Alley Creek LTCP previously submitted to DEC June 30, 2013. Received DEC Determination Letter in December 12, 2013. DEP filed Article 78 proceeding on February 21, 2014. LTCP resubmitted to DEC on June 30, 2014. DEC Comments Letter received January 23, 2015. Supplemental Documentation submitted May 6, 2015.

²Final Westchester Creek LTCP submitted to DEC in June 30, 2014. DEC Comments Letter received September 22, 2014. Response Letter submitted November 24, 2014. Additional DEC Comments Letter received January 14, 2015. Response Letter and Supplemental Documentation submitted April 14, 2015. DEC Comment Letter received June 6, 2017. Response Letter submitted July 11, 2017.

³Final Hutchinson River LTCP submitted to DEC in September 30, 2014. DEC Comments Letter received January 14, 2015. Supplemental Documentation submitted April 14, 2015.

⁴Final Flushing Creek LTCP submitted to DEC in December 30, 2014. DEC Comments Letter received January 23, 2015. Supplemental Documentation submitted May 22, 2015.

⁵Final Bronx River LTCP submitted to DEC in June 30, 2015. DEC Comments Letter received August 24, 2015. Supplemental Documentation submitted September 23, 2015.

⁶Final Gowanus Canal LTCP submitted to DEC in June 30, 2015. DEC Comments Letter received August 5, 2015. Supplemental Documentation submitted September 8, 2015.

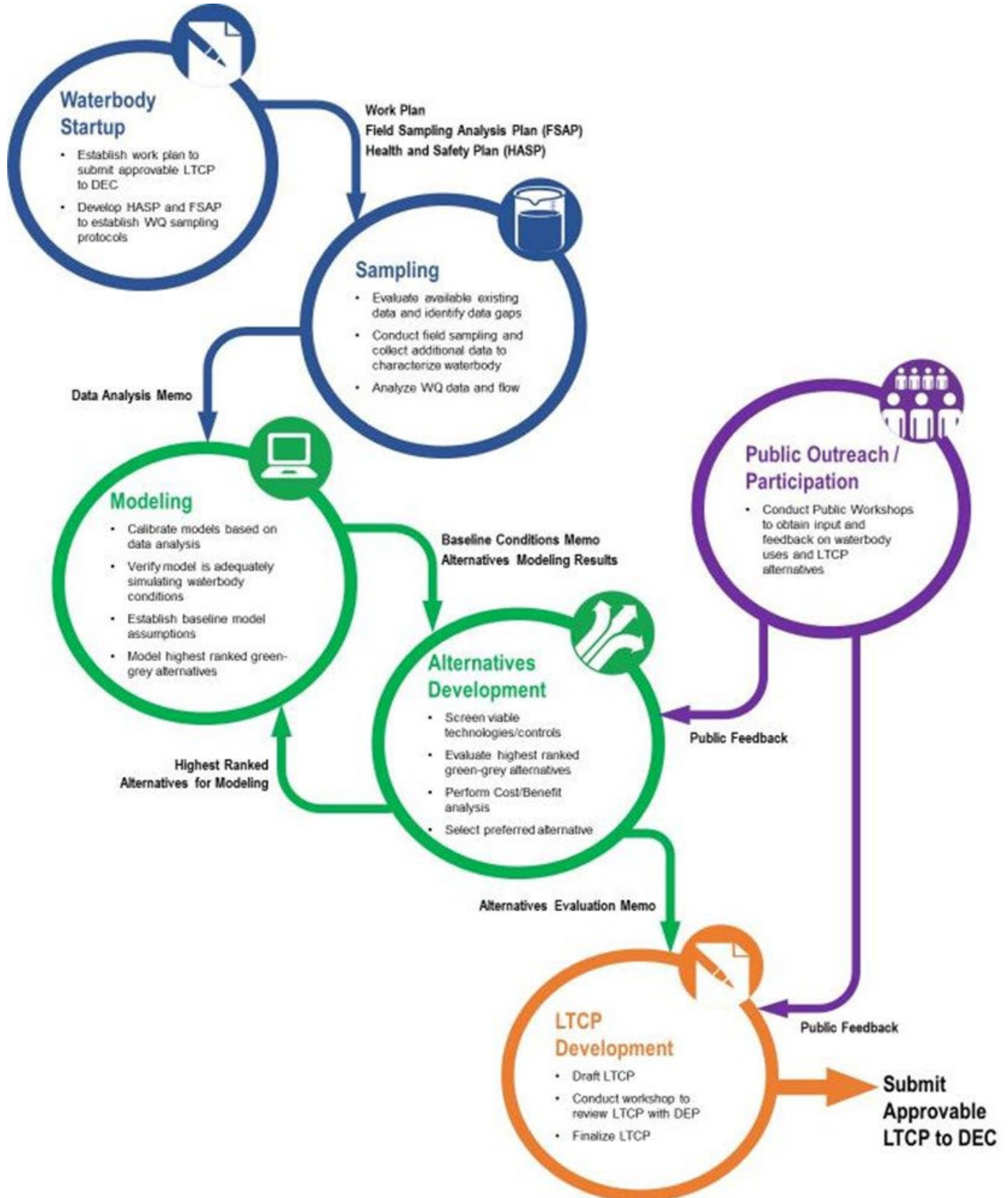
⁷Final Coney Island Creek LTCP submitted to DEC in June 30, 2016. DEC Comments Letter received August 17, 2016. Response Letter submitted September 16, 2016. DEC Comments Letter received April 6, 2017. Response Letter submitted October 2, 2017. DEP issued letter to DEC on December 5, 2017 based on discussions during October 18, 2017 DEC/DEP Technical Meeting. DEC Comments Letter received December 8, 2017. DEP submitted response letter on February 2, 2018.

⁸Final Flushing Bay LTCP submitted to DEC in December 31, 2016.

⁹Final Newtown Creek LTCP submitted to DEC in June 30, 2017. DEC Comments Letter received November 4, 2017. DEP submitted response letter January 8, 2018.

¹⁰Jamaica Bay and Tributaries LTCP submitted June 30, 2018. DEC Comment Letter dated December 21, 2018. Response Letter submitted March 1, 2019. Supplemental Documentation submitted August 14, 2019. DEC Comment Letter dated October 11, 2019.

LTCP Work Plan Flow Chart





19. LTCP Progress Update

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



20. CWOW CSO LTCP Update

DEP submitted the Citywide/Open Waters LTCP on September 30, 2020 and supplemental was submitted on April 4, 2023.
