



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

CSO Order on Consent  
**Quarterly Progress Report**  
**Third Quarter 2021**  
(July 1st – September 30<sup>th</sup>)

**October 31, 2021**

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# 1. Executive Summary

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*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 was modified April 14, 2008, September 3, 2009, March 8, 2012, and March 26, 2015 (collectively, the “CSO Order”). Pursuant to the Order, the City is required to submit quarterly status reports to DEC (“Quarterly Reports”) describing actions taken toward achieving compliance with the Order during the prior three-month period.*

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This Quarterly Report summarizes DEP’s actions and activities toward complying with the Order’s milestones between **July 1, 2021** and **September 30, 2021**. 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 Order, DEP and DEC held a Quarterly Progress Meeting on **October 6, 2021** for the **second** quarter of **2021** and is scheduled to hold a Quarterly Progress Meeting on **December 22, 2021** to discuss issues related to the Order and review milestones met during the **third** quarter of 2021.

On March 19, 2020, DEP submitted a Notice of Force Majeure for the CSO Order due to the COVID-19 pandemic. DEP is monitoring for any related impacts to CSO Order milestones and to notify DEC in a timely manner in accordance with the terms of the CSO Order. Any delays or potential delays that have been identified as of the covered time period are discussed in this report.

As a direct result of the economic impacts of COVID-19 on New York City finances and the ongoing uncertainty of long-term impacts, DEP continues to face multiple fiscal pressures including; a) Deferred spending for critical infrastructure projects from FY 2020 and FY 2021; b) Projected potential fiscal impacts of COVID-19 and projected impacts to revenue; and c) DEP priority to maintain sufficient funding for critical infrastructure projects necessary for the ongoing operation and maintenance of the DEP’s water and wastewater treatment and conveyance systems, including the Wastewater Resource Recovery Facilities (WRRFs). Given the current fiscal uncertainty and projected potential reduction in revenue caused by COVID-19, DEP continues to seek to allocate budget resources to reflect expected revenue, balanced with the affordability of water rates for DEP ratepayers. In order to respond to these issues and responsibly allocate resources, DEP is engaged in an ongoing effort to evaluate funding for all projects in the current and upcoming fiscal years to prioritize projects critical to DEP’s core mission to provide clean drinking water and collect and treat wastewater during dry and wet weather to protect water quality in and around New York City in accordance with the regulatory requirements of the Safe Drinking Water Act and Clean Water Act. To the extent any funding constraints may

impact future compliance with the milestones covered in this Quarterly Report, DEP will notify DEC and make best efforts to mitigate any delays.

## Reportable Activity This Quarter

Date	Location	Event Description
7/29/2021	Newtown Creek	Certified Milestone Completion, Initiate Final Design for Borden Ave Pumping Station Expansion

## Milestone Actions This Quarter (July 1 – September 30, 2021)

Location	Item Description	Milestone Date	Action Required	Status
Alley Creek LTCP	Design Completion CSO Facility	<del>9/30/2021</del> 3/31/2022	Extended Milestone Date	BODR Completed, 10% Design
Flushing Bay LTCP	Initiate Final Design CSO Tunnel	<del>7/31/2021</del> 1/31/2022	Extended Milestone Date	DEP in discussions with DEC
Newtown Creek LTCP	Initiate Final Design Borden Ave PS	July 2021	Issue NTP	Milestone Certified

## Milestone Actions Next Quarter (October 1 – December 31, 2021)

Location	Item Description	Milestone Date	Action Required	Status

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

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
<b>Jamaica Bay</b>	26 <sup>th</sup> Ward HLSS Phase II	<ul style="list-style-type: none"> <li>DEP submitted FM 5/14/18</li> <li>DEP provided additional info on 3/11/19</li> <li>DEC acknowledged valid FM on 06/05/19</li> <li>DEP submitted a Modification Request on 11/2/20</li> <li>DEC response to Modification Request. DEC will use enforcement discretion.</li> </ul>	<p>Force Majeure - NYCHA Steam pipe interferences</p> <p>Force Majeure - COVID-19 and related delays</p>	Dec 2020 (Construction Completion)	<p>DEC will exercise enforcement judgement until 6/30/2021.</p> <p>06/22/21 - DEP requested a new construction completion date of October 1, 2021.</p>
		<ul style="list-style-type: none"> <li>DEP submitted FM related to COVID-19 delays on 3/19/20</li> <li>DEC responded on 3/26/20 requested additional information</li> <li>DEC acknowledged valid FM on 09/21/20</li> </ul>	<p>09/21/ 21 – DEP updated the 6/22 request with a new completion date of December 31, 2021.</p>		
<b>Jamaica Bay</b>	26 <sup>th</sup> Ward HLSS Phase III	<ul style="list-style-type: none"> <li>DEP submitted MR 3/1/19</li> <li>DEP provided additional info on 8/14/19</li> </ul>	Buckeye Fuel Pipe Interferences, Cover Issues	Mar 2019 (Design Completion)	01/21/21 - DEP proposed to eliminate Phase III milestones due to

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
		<ul style="list-style-type: none"> <li>• DEP submitted a MR on 1/21/21</li> </ul>			<p>interferences, costs and lack of WQ improvement.</p> <p>07/19/21 - DEC approves the elimination of milestones related to 26th Ward HLSS Phase III</p>
<p><b>Bowery Bay/EROW</b></p>	<p>Area-wide ROW Green Infrastructure in BB-005 CSO Tributary Area</p>	<ul style="list-style-type: none"> <li>• DEP submitted FM 6/26/19</li> <li>• DEP submitted extension request for informal negotiations on 1/29/21</li> <li>• DEC extended period for informal negotiations until 5/1/21.</li> </ul>	<p>No awardable bids received</p>	<p>December 2020 (construction completion)</p>	<p>DEC denied FM claim. DEP and DEC conducted negotiations concerning the DEC determination.</p> <p>9-30-21 - DEP submitted a request to modify construction completion date from 12/2020 to 12/2021</p>

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
Jamaica Bay	26 <sup>th</sup> Ward PSTs 1-5	<ul style="list-style-type: none"> <li>• DEP submitted FM on 12/20/19</li> <li>• DEC responded on 1/13/20 and requested additional information</li> <li>• DEP submitted additional information on 3/13/20</li> <li>• DEP submitted additional information on 9/11/20</li> <li>• DEC acknowledged FM to be valid on 10/9/20</li> <li>• DEP submitted an additional FM on 3/19/20</li> <li>• DEC responded on 3/26/20 requested additional information</li> <li>• DEP submitted additional information on 5/26/20</li> <li>• DEP updated the FM on 8/11/20</li> <li>• DEC acknowledged FM to be valid on 09/21/20</li> </ul>	<p>Force Majeure-deteriorated expansion joints in PST-4 and other PSTs</p> <p>Force Majeure - COVID-19 and related delays</p>	<p>Jan 2022 (Construction Completion)</p>	<p>On December 23, 2020, DEC approved an extension of 370 days for Appendix A, Milestone XII.C.9.</p>

Location	Item Description	Action(s)	Reason for Action(s)	Milestone Date	Status
Citywide GI	Certification of 2015 milestone (1.5%)	<ul style="list-style-type: none"> <li>• DEP submitted a mod request on 11/27/19</li> <li>• DEC responded on 12/10/19</li> <li>• DEP submitted a FM on 4/20/20.</li> <li>• DEC responded on 4/30/20.</li> <li>• DEP provided an additional update on 10/30/20.</li> </ul>	Force Majeure – COVID-19 and related delays	<del>December 31, 2019</del> December 31, 2020	9-30-21 - DEP submitted a request to modify construction completion date from 12/2020 to 12/2021
All Locations	All open/active milestones	<ul style="list-style-type: none"> <li>• DEP submitted a FM notice on 3/19/20 for all active/open milestones</li> <li>• DEC responded to FM notice on 3/23/20 and requested further review in 60 days by DEP to assess impacts.</li> </ul>	Force Majeure COVID-19 - with potential delays due to ongoing pandemic	Multiple	Full extent of the delay has not yet been identified and DEP will keep DEC apprised on a project by project basis



## 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	Projected Completion	% of Time Elapsed	% of Construction Completed <sup>(1)</sup>
Jamaica Bay Tributaries	Bergen Basin 18” Sanitary Sewer	Jan 2019	Oct 2021	Sept 2020	78%	100%
	26 <sup>th</sup> Ward HLSS Phase 1	Mar 2016	Dec 2018	Dec 2018	100%	100%
Jamaica Bay	26 <sup>th</sup> Ward HLSS Phase 2A	Sept 2017	Dec 2020	Jan 2021	100%	100%
	26 <sup>th</sup> Ward HLSS Phase 2B	Sept 2017	Dec 2020	<b>Dec 2021</b>	98%	99%

Location	Item Description	Notice to Proceed	Construction Completion Milestone	Projected Completion	% of Time Elapsed	% of Construction Completed <sup>(1)</sup>
Jamaica Bay	26 <sup>th</sup> Ward HLSS Phase 3	Mar 2020	Dec 2022	----	----	----
	26 <sup>th</sup> Ward PSTs 1-5	Jan 2016	Jan 6, 2022	Jan 2022	<b>129%</b>	<b>92%</b>

(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 intends to submit a modification request for the design completion milestone and likely subsequent milestones.

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

Alley Creek CSO	DEC Approved Milestones <sup>(1)</sup>	Status
1. Initiate Final Design	Sept 2018	Certified by DEP Oct 2, 2017
2. Design Completion	Sept 2021 <sup>(4)</sup> Mar 2022	<b>BODR Completed, 10% Design</b>
3. Notice to Proceed to Construction	Sept 2022 <sup>(1)</sup>	TBD Pending Design Completion
4. Construction Completion	Sept 2024 <sup>(1)</sup>	TBD Pending Design Completion

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



## 4. Inner Harbor CSO

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

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



## 5. Flushing Bay CSO

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

### Construction Contracts

	Tallman Island Flushing Interceptor	Divert Low-Lying Sewers / Raise Weir BB-R02	Regulator Modifications	Environmental Dredging
<i>Contract ID</i>	TBD	CS-FB-LLD	CS-FB-BWR	CSO-DRDG DRG-FB
<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 <sup>th</sup> Avenue	Regulator BB-02. Berrian Blvd and 19 <sup>th</sup> Ave between 43 <sup>rd</sup> St. and 45 <sup>th</sup> St.	Five of ten regulators along 108 <sup>th</sup> street, Ditmars Blvd and the LaGuardia Airport site	Proximate to CSO Outfalls BB-006 and BB-008
<i>Construction Cost</i>	TBD	\$5,610,000	\$28,959,345	\$37,560,000
<i>Status</i>	Next scheduled survey in 2022	Certified Complete on 9/11/2017	Certified Complete on 6/8/2018	Dredging Complete on 7/10/17 – Construction completed on 8/16/18. Currently in 2-year maintenance period.

## Design Activity Summary

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

## Construction Activity Summary

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

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

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

<b>Flushing Bay CSO</b>	<b>DEC Approved Milestones<sup>(1)</sup></b>	<b>Status</b>
1. Initiate Final Design	Jul 2024 <b>1/31/2021</b>	<b>Informal negotiations ongoing.</b>
2. Design Completion	Jun 2025	TBD Pending Design Start
3. Notice to Proceed to Construction	Jul 2026	TBD Pending Design Completion
4. Construction Completion	June 2035	TBD Pending Design Completion

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

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

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

<b>Flushing Creek CSO</b>	<b>DEC Approved Milestones<sup>(1)</sup></b>	<b>Status</b>
1. Initiate Final Design	Dec 2018	Certified by DEP on Feb 8, 2019
2. Design Completion	Sept 2022	Design in progress 30% design
3. Notice to Proceed to Construction	Sept 2023	TBD Pending Design Completion
4. Construction Completion	Dec 2025	TBD Pending Design Completion

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



## 6. Jamaica Tributaries CSO

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

### Construction Contracts

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



## Design Activity Summary

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

## Construction Activity Summary

This Quarter		Next Quarter
Parallel 48-inch Siphon/Interceptor	<ul style="list-style-type: none"> <li>Certified completion on 2/28/17</li> </ul>	
18-inch Sanitary Sewer in 150 <sup>th</sup> Avenue	<ul style="list-style-type: none"> <li>DEC accepted certification of completion on 7/6/20</li> </ul>	



# 7. Newtown Creek CSO

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

## Construction Contracts

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

## Design Activity Summary

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

## Construction Activity Summary

	This Quarter	Next Quarter
<b>Enhanced Aeration 2</b>	<ul style="list-style-type: none"> <li>Complete</li> </ul>	
<b>Bending Weirs / Floatables Control</b>	<ul style="list-style-type: none"> <li>DEP submitted Post Construction Monitoring on 8/19/2019</li> </ul>	

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

**Newtown Creek CSO Schedule**

<b>Borden Ave Pumping Station Expansion</b>	<b>DEC Approved Milestones</b>	<b>Status</b>
1. Initiate Final Design	Jul 2021	<b>Complete 7/29/2021</b>
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

<b>CSO Storage Tunnel</b>	<b>DEC Approved Milestones</b>	<b>Status</b>
1. Initiate Final Design	Jun 2025	DEP Procuring Contract
2. Design Completion	May 2028	TBD Pending Design Start
3. Notice to Proceed to Construction	Aug 2030	TBD Pending Design Completion
4. Construction Completion	Jun 2042	TBD Pending Design Completion



## 8. Westchester Creek CSO

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

### Construction Contracts

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

## Design Activity Summary

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

## Construction Activity Summary

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



## 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 <sup>(1)</sup>	Status
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
3. Notice to Proceed to Construction	Sept 2023	TBD Pending Design Completion
4. Construction Completion	Sept 2026	TBD Pending Design Completion

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



# 10. Hutchinson River CSO

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

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

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

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





# 11. Jamaica Bay CSO

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

## Rockaway WRRF - Consent Order Modification Compliance Schedule

**Order Modification was effective May 25, 2021**

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

Jamaica Bay CSO	DEC Approved Milestones	Status
1. DEP shall send a letter to DEC requesting the removal of outfalls	June 24, 2021	Submitted July 16, 2021
2. DEP submit an inspection report documenting inspections conducted of the outfalls and diversion and regulator/tide gate chambers	November 21, 2021	In Progress
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

<b>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</b>	<b>Due 90 days from approval of Inspection Report</b>	-
<b>6. Permanently seal tide gate chambers connected to active stormwater outfalls as identified in the Inspection Report</b>	<b>May 25, 2024</b>	<b>Due 3 years from effective date of the Order</b>

## Construction Contracts

	<b>26<sup>th</sup> Ward High Level Sewer Separation</b>	<b>26<sup>th</sup> Ward Wet Weather Stabilization</b>
<b>Contract ID</b>	CS-FC-SEW	26W-12(CO 128) 26W-21, 26W-20
<b>Plan Elements</b>	Remove storm water contribution from 285 acres from the combined sewer system	Low Level MSPs High Level MSPs PST#5 PST1-4 Stabilization
<b>Location</b>	Fresh Creek, Brooklyn	26 <sup>th</sup> Ward WWTP, Brooklyn
<b>Construction Cost</b>	\$58 million for Phase 1A; \$90.6 million for Phases 2A and 2B; 235.5 million for Phases 3A and 3B (estimated)	LLMSP \$7.6 million 26W-21 \$17.3 million 26W-20 \$155 million
<b>Status</b>	Phase 1A construction completed, with variance from approved design Phase 2 is in construction Phase 3 design is paused pending engineering evaluation and analysis of the impacts of eliminating the Phase 3 component of the project.	Completed (LLMSPs) Completed (26W-21) In Construction (26W-20)
<b>Other Issues</b>	For Phase 2B (SE855): NYCHA steam pipes were discovered during construction that interfere with storm/high level storm sewers in four locations. DEP and DDC hired consultant to perform design for NYCHA steam pipes offset. For Phase 3A (SE856): it was previously identified interferences with Buckeye Pipelines in four locations. Preliminary design around Buckeye Fuel Lines is prepared by DDC and submitted to Buckeye Partners, L.P. Buckeye	

requested that DDC include their existing utility locations on the design drawings. DEP review of the preliminary design drawings is complete. DDC is incorporating DEP comments and will then submit revised drawings for Buckeye review. For Phase 3B (SE857): low cover issues have been addressed and a preliminary design review has been completed by DEP.

## Design Activity Summary

	This Quarter	Next Quarter
26 <sup>th</sup> Ward High Level Sewer Separation	<ul style="list-style-type: none"> <li>Design for Phase 2B to resolve NYCHA Steam Pipe Interferences was approved by all involved parties.</li> <li>Design of Phase 3 is cancelled following DEC acknowledgement of project Cancellation on 6/3/2021</li> </ul>	
26 <sup>th</sup> Ward Preliminary Treatment Reliability Improvements	<ul style="list-style-type: none"> <li>Continued DSDC</li> </ul>	<ul style="list-style-type: none"> <li>Continuation of DSDC</li> </ul>

## Construction Activity Summary

	This Quarter	Next Quarter
26 <sup>th</sup> Ward High Level Sewer Separation	<ul style="list-style-type: none"> <li><u>Phase 2A (SE853)</u></li> <li>Completed work in Q2: <ul style="list-style-type: none"> <li>This portion of Phase II is substantially complete.</li> <li>Complete Final Inspection Checklist</li> </ul> </li> <li><u>Phase 2B (SE855)</u></li> <li>DDC Completed the design of the NYCHA Steam Pipes at all four</li> </ul>	<ul style="list-style-type: none"> <li><u>Phase 2A (SE853)</u> <ul style="list-style-type: none"> <li>Provide DEP with substantial Completion Letter</li> </ul> </li> <li><u>Phase 2B (SE855)</u> <ul style="list-style-type: none"> <li>Contractor is expected to continue construction and substantially complete the sewer by 9/30/2021.</li> </ul> </li> </ul>

	This Quarter	Next Quarter
	<p>locations and has been approved by all parties involved.</p> <ul style="list-style-type: none"> <li>• Contractor began working on NYCHA Steam Pipe Crossings.</li> <li>• DEC has acknowledged the mod request sent by DEP. The new Construction Completion Milestone is 9/30/2021.</li> </ul>	
<p>26<sup>th</sup> Ward Preliminary Treatment Reliability Improvements</p>	<p><u>PST work (26W-20):</u></p> <ul style="list-style-type: none"> <li>• Performed successful clean water leak test in PST-2.</li> <li>• Completed effluent channel precast slabs, scum troughs, influent box, expansion joint repairs and sludge collector system for PST-1. Completed dry run of flights in PST-1. Performed successful clean water leak test in PST-1.</li> <li>• Installed sludge pumps #1, 2, and 3..</li> <li>•</li> <li>• Complete asphalt paving of Plant roads.</li> <li>• Completed installation of the West Stairs at PSG.</li> <li>• Complete sludge piping, flushing water piping, and seal water piping in PSG.</li> </ul>	<p><u>PST work (26W-20):</u></p> <ul style="list-style-type: none"> <li>•</li> <li>• Complete dry run of the flights in PST-1.</li> <li>• Remove temporary weirs in FDS and Plant to begin pumping 175 MGD during rain event.</li> <li>• Bring PST-1 and PST-2 successfully online with sewage. Perform 7 day run tests. Complete installation of the West Stair Curtain Wall.</li> <li>• Complete handrail installation in PST-1 and PST-2.</li> <li>• Complete installation of new covers on Classifiers. Install larger apex (3" to 3 ½") on east and west classifiers.</li> </ul>



# 12. Wards Island WRRF Headworks Wet Weather Improvements

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

## Construction Contracts

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

## Design Activity Summary

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

# Construction Activity Summary

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



## 13. Environmental Benefit Projects

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

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

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



# 14. Green Infrastructure Program

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

## Program Implementation

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

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

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



**Curbside Rain Garden (Bioswale)**



**Stormwater Greenstreet**



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

During the **Third Quarter of 2021**, 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 - Launch of the new private property retrofit program through which DEP seeks to implement green infrastructure to manage 200 greened acres over five years.
- 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
- Stormwater Reduction & Reuse – Ongoing design for Central Park and Prospect Park stormwater reuse projects that reduce potable demand and CSOs
- Tibbetts Brook and Van Cortlandt Lake Park Improvements – Ongoing planning and analysis for Tibbetts Brook daylighting project, anticipated to be the Program's largest green infrastructure project to-date providing significant CSO reduction and community benefits

Unified Stormwater Rule – Ongoing planning, outreach and drafting of Unified Stormwater Rule to update and align Chapters 31 and 19.1 of Title 15 of the Rules of the City of



## Status of Green Infrastructure Assets and Greened Acres

Watershed	Total Green Infrastructure Assets	Total Greened Acres
Alley Creek	1	0
Bronx River	446	93
Coney Island Creek	49	9
East River / Open Waters	1,118	195
Flushing Bay	772	82
Flushing Creek	1,879	196
Gowanus Canal	127	23
Hutchinson River	208	41
Jamaica Bay & Tributaries	4,634	559
Newtown Creek	1,586	163
Westchester Creek	230	23
<b>Total</b>	<b>11,050</b>	<b>1,504</b>

## Status of Green Infrastructure 1.5% Contingency Plan Projects<sup>1</sup>

On September 30, 2021 DEP submitted a request to modify the construction completion date from 12/31/20 to 12/31/21.

Waterbodies	Area-Wide ROW Project	Status as of September 30, 2021		Reported Completion Date [1]	Projected/Actual Completion Date as of September 2021
		Number of Bids	Issued/Anticipated NTP Date		
Flushing Creek	TI-011	Construction Bid 1	Jun-16	Dec-19	Jun-17
		Construction Bid 2	Sep-18		Jun-20
Newtown Creek	BB Cluster	Construction Bid 1	Jan-17	Dec-19	Mar-19
		Construction Bid 2	Aug-19		Dec-20
Jamaica Bay	JAM-003	Construction Bid 1	Aug-16	Dec-19	Dec-17
		Construction Bid 2	Jan-19		Jul-20
		Construction Bid 3	Jul-19		Jun-20
		Construction Bid 4	Dec-20		Jun-22
		Construction Bid 5	Dec-19		Apr-21
EROW/Wallabout	NCB-014	Construction Bid 1	Sep-18	Dec-20	Dec-19
		Construction Bid 2	Dec-19		Jul-21
EROW/Bowery Bay	BB-005	Construction Bid 1	<b>Sep-21</b>	Dec-20	<b>Sep-23</b>
		Construction Bid 2	May-21		May-23
Westchester Creek	HP-014/033/016	Construction Bid 1	Jul-19	Dec-20	Dec-20
		Construction Bid 2	Jul-19		
Flushing Creek	TI-010	Construction Bid 1	Sep-19	Dec-20	Dec-20
		Construction Bid 2	Mar-21		Sep-22
		Construction Bid 3	Dec-19		Dec-21
		Construction Bid 4	Dec-19		Dec-21
		Construction Bid 5	Jun-20		Dec-21
		Construction Bid 6	Dec-19		Apr-21
Bronx River	HP-007/004/002	Construction Bid 1	Nov-19	Dec-20	Dec-20
		Construction Bid 2	Nov-19		Dec-20
Jamaica Bay	26W-005/004	Construction Bid 1	Dec-19	Dec-20	Dec-20
		Construction Bid 2	Dec-19		Dec-20

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

		Construction Bid 3	Dec-19		Dec-20
		Construction Bid 4	Dec-19		Dec-20
		Construction Bid 5	Dec-19		Dec-20

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## Status of Green Infrastructure 4% Contingency Plan Projects

DEP submitted a Contingency Plan for the 4% Green Infrastructure milestone on June 30, 2021 (4% Contingency Plan). DEC conditionally approved the 4% Contingency Plan on August 23, 2021 (DEC Determination). DEP is reviewing the DEC Determination.

Priority Waterbody	Project	Current Status	Anticipated Construction Completion Date
<b>EROW</b>	OH-015 Areawide ROW – Phase 1	Geotech and survey	December 31, 2025
<b>EROW</b>	OH-015 Areawide ROW – Phase 3	Geotech and survey	December 31, 2025
<b>EROW</b>	TI-03/23 Areawide ROW	Final design	December 31, 2025
<b>Jamaica Bay</b>	CI-005 Areawide ROW – Phase 1	90% design	December 31, 2025
<b>Coney Island Creek, EROW, Gowanus, Jamaica Bay</b>	Expanded Public Onsite – GI-CONS-01	Bid procurement	December 31, 2025
<b>Alley Creek, EROW, Gowanus, Jamaica Bay</b>	Expanded Public Onsite – GI-CONS-02	Bid procurement	December 31, 2025
<b>Various</b>	Private Incentives Retrofit Program – “Resilient NYC Partners” – Phase 1	Contract registered	December 31, 2025
<b>EROW</b>	Central Park Stormwater Recovery and Reuse	Design initiated	December 31, 2025
<b>EROW</b>	Prospect Park Stormwater Recovery and Reuse	MOU executed	December 31, 2025



## 15. Community Relations

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

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*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.*

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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**

**DEP did not hold Green Infrastructure meetings in the third quarter.**

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



# 16. Key DEP Personnel

Planning Area	Project	DEP Responsible Personnel		
		Bureau	PM	AM
Alley Creek	CSO-AC-DF-DES: Alley Creek CSO Disinfection	BEDC	Osit	Romano
Inner Harbor	CSO-GC: Flushing Tunnel	BEDC	Clarke	Eden
	CSO-GC: Gowanus PS	BEDC	Clarke	Joseph
Flushing Bay	CSO-DRDG: Dredging	BEDC	Tysvaer	Sewgobind
	CS-FB-LLD: Low-Lying Sewers	BWSO	Gordon	Dopson
	CS-FB-LLD R2 Weir	BWT	TBD	TBD
	CS-FB-BWR: Regulators	BEDC	Tysvaer	Gordon
	CSO-FC-FB-DES: Flushing CSO Floatables Control	BEDC	Tysvaer	Betemit
	CSO-FC-DF-DES: Flushing CSO Disinfection Facility	BEDC	Tysvaer	Betemit
	CSO-FB-TUN: Flushing Bay CSO Storage Tunnel	BEDC	Osit	Liu
Jamaica Tributaries	18" Sanitary Sewer in 150th Avenue	BWSO	Gordon	Dopson
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
Westchester Creek	CS-ER-WCM: Modifications to CSO-29 / 29A	BEDC	Tysvaer	Betemit
	CS-ER-WCP: Pugsley Creek Parallel Interceptor	BWSO	Proscia	DeGrace
Bronx River	CSO-BXR-DES: Bronx River LTCP	BEDC	Solimando	Sadat
Hutchinson River	CSO-HR-DF-DES: Hutchinson River Disinfection	BEDC	Tysvaer	Szeto
Jamaica Bay	CS-FB-SEW: 26th Ward / Fresh Creek HLSS	BWSO	Gordon	Dopson
	26W-20: 26th Ward Wet Weather Stabilization	BEDC	Solimando	Heim
	26W-21: 26th Ward High Level MSPs	BEDC	Solimando	Heim
Wards Island	Reconstruction of MSP	BWT	Anderson	Anderson
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 <sup>1</sup>	June 2018	DEC provided supplemental comments document 10/11/19
11	Citywide/Open Waters <sup>2</sup>	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

1







# 18. Status of LTCP Development

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

## LTCP Activity Status

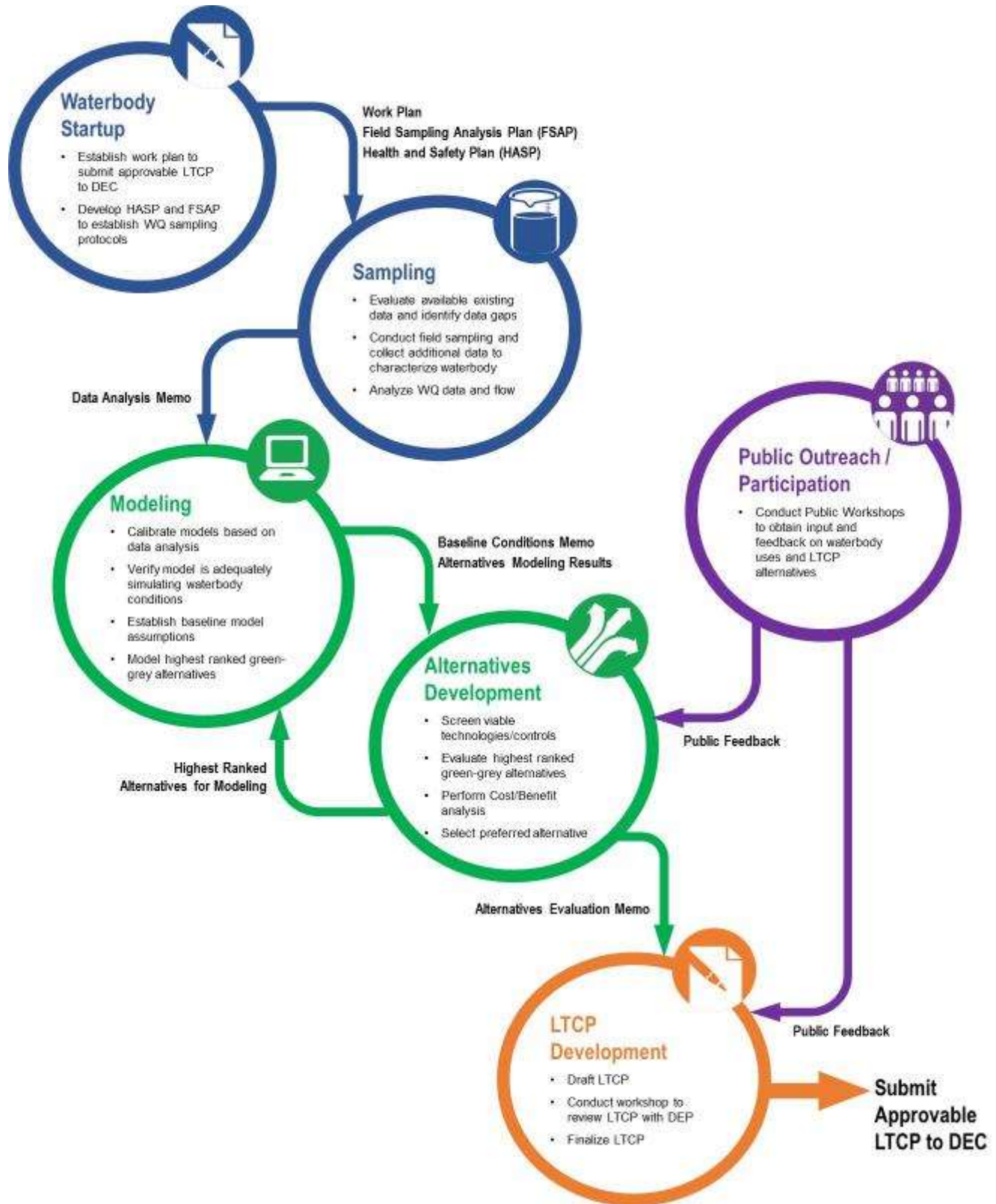
CSO Watershed	Alley Creek <sup>1</sup>	Westchester Creek <sup>2</sup>	Hutchinson River <sup>3</sup>	Flushing Creek <sup>4</sup>	Bronx River <sup>5</sup>	Gowanus Canal <sup>6</sup>	Coney Island <sup>7</sup>	Flushing Bay <sup>8</sup>	Newtown Creek <sup>9</sup>	Jamaica Bay <sup>10</sup>	Citywide/ Open Waters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

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

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

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

# LTCP Work Plan Flow Chart





# 19. LTCP Progress Update

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



## 20. Citywide/Open Waters LTCP Update

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