



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

Combined Sewer Overflow Order on Consent

Quarterly Progress Report – Second Quarter 2008



July 2008



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

James G. Mueller, P.E.
Deputy Commissioner

Tel. (718) 595-5973
Fax. (718) 595-5999
jmueller@dep.nyc.gov

Bureau of Engineering
Design & Construction

July 30, 2008

Joseph DiMura, P.E.
Director, Bureau of Compliance
DEC, Division of Water
625 Broadway, 4th Floor
Albany, NY 12233

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


Dear Mr. DiMura:

In accordance with Section IV, Paragraphs A-C of the above referenced Consent Order, the New York City Department of Environmental Protection hereby submits the Citywide CSO Quarterly Report for the period of April 1 through June 30, 2008.

Also enclosed are the meeting minutes from our May 14th CSO Quarterly Meeting held in New York City. Our next Quarterly Meeting is scheduled for August 21, 2008 at 1:00pm at the Newtown Creek WPCP in Brooklyn, New York.

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

Very truly yours,



James G. Mueller, P.E.
Deputy Commissioner



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and Services for NYC

Copy to:

James DeZolt
Director, Division of Water
New York State Department of
Environmental Conservation
625 Broadway
Albany, NY 12233

Gary Kline, P.E.
DEC, Division of Water
625 Broadway, 4th Floor
Albany, NY 12233

Mr. Robert Elburn, P.E.
Regional Water Engineer
Division of Water, Region 2
New York State Department of
Environmental Conservation
47-40 21st Street
Long Island City, NY 11101

Scott Crisafulli, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233

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

Timothy Burns, P.E.
Environmental Facilities Corporation
625 Broadway, 7th Floor
7th Floor
Albany, NY 12207

DEP: R. Levine, E. Rogak, D. Hammerman, A. Spangel, M. Osit, K. Clarke, R. Marandi, K.
Mahoney, D. Chao, File

EPA: L. Gaugler

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

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

QUARTERLY PROGRESS REPORT
SECOND QUARTER 2008
(April 1 – June 30)

July 30, 2008

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1.0. Executive Summary

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20000107-8 (the “Order”); was entered into by the City of New York (“City”) and the New York State Department of Environmental Conservation (“DEC”) on January 14, 2005. 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 April 1, 2008 to June 30, 2008.

Critical Events This Quarter:

The following critical events occurred this quarter:

- 1) On April 15, 2008, NYSDEC transmitted the executed modified Order which modified various milestone dates in Appendix A of the Order.**
- 2) DEP submitted a Notice of Force Majeure and a Request for Modification of the Notice to Proceed to Construction and Construction Completion milestones associated with the Interim Dredging of the Hendrix Street Canal to the NYSDEC on April 28, 2008. The basis for the request was the requirement to revise the design of the containment cap to be placed over the area to be dredged in accordance with the request of the NYSDEC Marine Resources Division.**
- 3) DEP submitted a Notice of Force Majeure and a Request for Modification of milestones associated with the Shellbank Basin Destratification facility to the NYSDEC on June 9, 2008. The basis for the request was an unanticipated permit stipulation by NYSDEC to conduct additional water quality monitoring during the summer of 2008.**
- 4) DEP submitted a Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP. The basis of this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction.**

Major Actions This Quarter:

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

Table 1 – Milestones Met (April 2008 - June 2008)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	CONSENT ORDER MILESTONE DATE	DATE MILESTONE WAS ACHIEVED
Newtown Creek	Throttling Facility	Final Design Completion Including CPM Analysis	June 2008	December 2007
Jamaica Bay	26th Ward Drainage Area Sewer Cleaning and Evaluation	Notice to Proceed to Construction	June 2008	January 2008
Jamaica ⁽¹⁾ Tributaries	Laurelton and Springfield Blvd.	Submit Drainage Plan for Storm Sewer Build-out	May 2008	May 2008

(1) DEC granted this modification request, revised milestone date May 30, 2008

Table 2 – Milestones to be Considered for Potential Modification

LOCATION / PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	REASON FOR POSTPONMENT
Jamaica Bay	Interim Dredging of Hendrix Street Canal	Notice to Proceed to Construction	Requirement of NYSDEC Marine Resources Division to revise containment cap design.
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Design and Construction	Alternative approach identified and detailed in technical justification submitted to NYSDEC on June 26, 2008.
Jamaica Tributaries	Destratification Facility	Notice to Proceed to Construction	Unanticipated permit stipulation by NYSDEC

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on May 14, 2008. The meeting was held in at the Paerdegat Basin CSO Facility in Brooklyn, New York to discuss issues related to the Order and review milestones met during the last quarter.

DEP continued to make progress in the planning, design and construction of its CSO facilities during this quarter, as documented in this report.

Major Actions Next Quarter:

The following major actions are expected to occur between April 2008 and June 2008:

- ◆ Hold the next Quarterly Progress Meeting between DEC and DEP on August 21, 2008 at 1:00pm at the Newtown Creek WPCP in Brooklyn, New York.

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

Table 3 – Milestones to be Met Next Quarter (July 2008 - September 2008)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	DATE TO BE SUBMITTED
Outer Harbor	Regulator Improvements - Fixed Orifices	Construction Completion	July 2008
Bronx River	Floatables Control	Final Design Completion Including CPM Analysis	July 2008

2.0. Construction Contracts

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

Table 4 – Construction Contracts and their Status

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PERCENTAGE OF TIME ELAPSED	PERCENTAGE OF CONSTRUCTION COMPLETED
Alley Creek	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009	50%	15%
Outer Harbor	Regulator Improvements - Fixed Orifices	Feb 2006	Jul 2008	97%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	23%	8%
	Port Richmond Throttling Facility	Jun 2006	Dec 2008	80%	55%
Inner Harbor	Regulator Improvements - Fixed Orifices	Feb 2003	Apr 2006	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	23%	8%
	In-Line Storage	Aug 2007	Aug 2010	28%	60%
Paerdegat Basin	Influent Channel	Feb 1999	Feb 2002	100%	100%
	Foundations and Substructures	Jun 2002	Feb 2009	90%	97%
	Structures and Equipment	Sep 2005	May 2011	49%	73%
Flushing Bay	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	100%	100%
	Storage Tank	Jul 1997	Aug 2001	100%	100%
	Mechanical Structures	Mar 2002	Dec 2004	100%	100%
	Tide Gates	Dec 2000	Apr 2002	100%	100%
	Manual Sluice	Feb 2004	Jun 2005	100%	100%

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PERCENTAGE OF TIME ELAPSED	PERCENTAGE OF CONSTRUCTION COMPLETED
	Gates				
Jamaica Tributaries	Meadowmere & Warnerville DWO Abatement	Jun 2006	Mar 2009	73%	67%
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	-	-
	Destratification Facility	Apr 2009	Nov 2010	-	-
	Regulator Automation	Nov 2007	Jun 2010	23%	8%
Coney Island Creek	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	48%	40%
	Avenue V Force Main	Jul 2007	Jun 2012	19%	9%
Newtown Creek	Aeration Zone I	Dec 2005	Dec 2008	83%	61%
	Aeration Zone II	Jun 2011	Jun 2014	-	-
	Relief Sewer / Regulator Modification	Jun 2010	Jun 2014	-	-
	Throttling Facility	Jun 2009	Dec 2012	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
Westchester Creek	Phase I (Influent Sewers)	Jun 2011	Jun 2015	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
Bronx River	Floatables Control	Jun 2009	Jun 2012	-	-
Hutchinson River	Phase I of the Storage Facility	Jun 2011	Jun 2015	-	-
	Future Phases	Dec 2016	Dec 2023	-	-
Jamaica Bay	Spring Creek AWPCP Upgrade	Mar 2003	Apr 2007	100%	100%
	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2008	Jun 2010	-	<1%
	Hendrix Creek Dredging	Jun 2008	Jun 2010	-	-
	26th Ward Wet Weather Expansion	Jun 2011	Dec 2015	-	-

*Note, Percentage Construction Completion is sometimes tracked based on cost incurred

3.0. Detailed Description of Work Performed

3.1. Alley Creek CSO

The Alley Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall TI-008, which discharges into Alley Creek at a location just south of Northern Boulevard on the west bank of Alley Creek. Little Neck Bay and Alley Creek receive discharges from 31 stormwater outfalls, as well as CSO Outfall TI-008; however, discharges from CSO Outfall TI-008 were determined to be the primary cause of water quality degradation within Alley Creek. CSO Outfall TI-008 serves a drainage area of approximately 1,975 acres within the Tallman Island Water Pollution Control Plant (WPCP) service area in the Borough of Queens. The Alley Creek Drainage Area Improvements/CSO Abatement Facilities Project, which has been designated as Phase I of the comprehensive Alley Creek CSO Abatement Facilities Plan, is being constructed in two stages:

1. Alley Creek Drainage Area Improvements (Phase I, Stage 1, Contract ER-AC1) and,
2. Alley Creek CSO Abatement Facilities (Phase I, Stage 2, Contract ER-AC2)

This section reports on the progress of Phase I, Stages 1 and 2 of the Alley Creek CSO Abatement Facilities Plan.

Phase I, Stage 1 (Contract ER-AC1) includes the construction of additional water mains, stormwater sewers and combined sewers, a double-barrel outfall sewer, an outfall structure, and a 5 million gallon CSO storage facility to substantially reduce street flooding and sewer surcharging; and to abate CSO discharges into Alley Creek within the CSO Outfall TI-008 drainage area.

Phase I, Stage 2 (Contract ER-AC2) includes activation of the 5 MG CSO storage facility, upgrading the Old Douglaston Pumping Station to enhance the station's reliability to pump the captured combined sewage to the interceptor system for conveyance to the Tallman Island WPCP for treatment, rehabilitation of the CSO Outfall TI-008 structure, and restoration of a 1.51-acre area surrounding CSO Outfall TI-008 to include restoration/creation of wetlands and replacement of invasive vegetation with indigenous plantings as mitigation for the area disturbed as a result of rehabilitation of the outfall structure.

Work Performed During This Quarter

Construction

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ **Construction phase activities continued for Contract ER-AC1. The principal work included final restoration within Alley Park with the placement of topsoil and seed, completion of the “As-Built” survey for the upstream portion of the project, repair the leak in the expansion joint within the Electric Room, completion of the handrail work in the Electric Room and the completion of all remaining punchlist items. Construction of Contract ER-AC1 is currently 100 percent complete of all Consent Order related work.**

- ◆ Implementation of the post-construction erosion monitoring plan entitled “Erosion Monitoring Plan, Alley Creek CSO Facility,” dated May 24, 2002 for the CSO storage facility and new outfall continued.
- ◆ **The Alley Park Environmental Restoration Monitoring Plan was revised and re-submitted to the NYSDEC on May 12, 2008 and approved on June 9, 2008.**
- ◆ **Construction progress meetings were held on April 4, 2008, May 2, 2008 and June 6, 2008 at the Engineer’s field office.**
- ◆ **An issues and tasks meeting was held on May 30, 2008 at the Engineer’s field office.**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Activities continued for Contract ER-AC2. The principal work included submittal of shop drawings by the Engineer and review of the drawings by the Engineer, obtaining permits and approvals from regulatory/approval agencies, installation of Engineer’s field office, and planning for rehabilitation of existing Outfall TI-008 including planning for construction of the temporary access roadway and restoration of wetlands. Construction of Contract ER-AC2 is currently about **15** percent complete.
 - ◆ **On April 8, 2008, the DEP met with Carp Construction for initial negotiations of Change Order ER-AC2-2, Waterproofing the Electrical Room.**
 - ◆ **On April 16, 2008, the DEP met with Carp Construction and their subcontractor, Allied Biological, to discuss specification requirements, permitting and scheduling related to Contract herbicidal treatments..**
 - ◆ **On May 13, 2008, the DEP presented the project’s wetland restoration scope to community residents, APEC representatives and NYCDPR personnel at a meeting held at the APEC facility.**
 - ◆ In mid-November 2007, the DEP issued a registered letter to the NYSDEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station in Contract ER-AC2 due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. **The impact of this stoppage has resulted in a projected delay in meeting the Consent Order date.** The DEP has completed negotiations with the Contractor regarding the additional cost for the removal and replacement of the existing pile-supported 36-inch diameter influent sewer within the work zone. The Change Order is currently being processed. No work on the interim station will occur due to the Force Majeure condition unless the contractor proceeds at risk. To date, they have refused to do so.
 - ◆ **Construction progress meetings were held on April 4, 2008, May 2, 2008 and June 6, 2008 at the Engineer’s field office for Contract ER-AC2.**
 - ◆ **An issues and tasks meeting was held on May 30, 2008 at the Engineer’s field office for Contract ER-AC2.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ Construction closeout activities will continue including finalization and registration of outstanding contract changes and the work associated with such change orders.
 - ◆ Implementation of the post-construction erosion monitoring plan for the CSO storage facility and new outfall will continue.
 - ◆ **Construction close-out meetings and issues and tasks meetings will be held at the Engineer's field office, as needed, as determined by the DEP.**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Construction of Contract ER-AC2 will continue. The principal work will include **replacing the damaged sections of the existing 36-inch diameter sewer**, construction of the Interim Pumping Station, construction of the sampling chamber, construction of electrical ducts and manholes north of Northern Boulevard, obtaining permits and approvals from regulatory/ approval agencies, and submittal and review of shop drawings.
 - ◆ The monitoring plan for the wetland/upland areas to be created/restored under Contract ER-AC2 will be reviewed by the NYSDEC.
 - ◆ Monthly construction progress and issues and tasks meetings will be held at the Engineer's field office.
 - ◆ Change orders to Contract ER-AC2 will continue to be prepared and processed. Shop drawings, RFIs, etc. will be submitted and responses provided.

Table 5 – Alley Creek CSO Project

	<i>Phase I, Stage 1</i>	<i>Phase I, Stage 2</i>
Plan Elements:	Alley Creek Drainage Area Improvements	Alley Creek CSO Abatement Facilities
Location:	46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens	Northern Boulevard and Alley Park in Bayside, Queens
Actions:	Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek	Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 1.51-acre wetland area surrounding CSO Outfall TI-008
Cost:	\$101,963,924	\$29,929,929
Status:	Construction completed. Final close-out period.	15% complete with construction activities Notice of Force Majeure submitted to DEC in November 2007

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) Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

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

Work Performed During This Quarter

Construction

- Regulator Automation
 - ◆ **Construction activities were continued during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
 - ◆ The Detailed CPM Schedule due February 28, 2008 was submitted by TMS on March 26, 2008.
 - ◆ **A meeting was conducted on April 17, 2008 with DEP, VIP ARCADIS and TMS to review the comments indicated in the letter dated March 31, 2008.**
 - ◆ **TMS submitted a revised CPM Schedule on April 23, 2008. However, based on ARCADIS' review, it was determined that not all of the comments from the April 17, 2008 meeting were incorporated and consequently the schedule was unacceptable.**
 - ◆ **A revised CPM Schedule was submitted on May 12, 2008 which was consequently reviewed and returned by ARCADIS on May 23, 2008 due to items not addressed from the April 17, 2008 meeting. ARCADIS indicated that since the CPM Schedule is complete and the Schedule of Values was acceptable that TMS should begin cost loading the Schedule.**
- Phase I Regulator Improvements
 - ◆ **DEP has issued the certification of construction completion letter on 6/12/08. The final construction inspection was held on 11/28/07. In a letter dated June 30, 2008, DEC concurred that the construction completion milestone was met.**
- Phase II Throttling Facility

- ◆ Continued shop drawing reviews and RFI responses
- ◆ **Due to continuing unforeseen field conditions, difficulties with the effectiveness of the dewatering system continued during this reporting period. Currently, approximately ten dewatering wells are pumping over 2 MGD, which is greater than what was expected. There are delays to the project schedule and completion date due to the extended time required to handle the unanticipated volume and presence of groundwater seen at the project site.**
- ◆ **Higher than expected level of dry weather flow (only 2 to 3 feet below the inner top of pipe) was found in the interceptor after the contractor cored through with a 24" hole through the top (for dewatering discharge and to relieve any internal outward pressure caused by full combined sewage flow during wet weather events). It was later explained by operations staff that the high flow condition in the interceptor was due to the PR plant's operating procedure, closing influent gates partially to restrict inflow of wastewater and grit, which causes a back-up of flow upstream at the construction site.**
- ◆ **On 4/15, during a rain storm, the Port Richmond plant experienced an operational problem that resulted in personnel throttling the influent channel gates for a few hours. The water level in the excavation rose by approximately 4 feet, and caused further complications to the dewatering system, delaying the construction schedule. The contractor was advised by DEP to backfill the excavation with sand immediately to avoid creating any structural problems and possibly jeopardizing the excavation support system.**
- ◆ **An emergency site meeting was held on 4/22/08 to address the recurring problem of the water level rising in the excavation, since the excavation was flooded out on 4/15. The meeting was held to discuss recovery plan and how to handle the field condition.**
- ◆ **On 4/25/08 an emergency meeting was held to discuss a new plan by Mueser Rutledge (MRCE) to install 2 additional dewatering wells inside the excavation. This was the recommendation since the existing 10 well system was deemed unable to lower the water level in the excavation to previously acceptable dry conditions (before the plant failure, the contractor had achieved a dry excavation to the required 2 ft. below the lowest point of construction.**
- ◆ **On 5/7/08 the work permit was approved by the Parks Dept. (DPR) for the overflow monitoring work at the R-28 regulator site.**
- ◆ **On 5/12/08 National Watermain cleaned the interceptor from the plant to the excavation site in order to make sure that the high level of flow was not due to accumulated sediment in the interceptor.**
- ◆ **A special site meeting was held on 5/19/08 to further discuss dewatering issues.**
- ◆ **On 6/10/08 a design staff meeting was held to discuss change orders and recovery plan for work to overcome the dewatering field conditions.**

- ◆ **Regular monthly construction progress meetings were held on 4/8/08 and, 5/7/08, 6/10/08 and 7/8/08.**
- ◆ **Two additional wells have been installed within the excavation achieved additional draw down. A 3rd well is being installed to complete the dewatering system. Con Edison is upgrading the electrical service to allow for the use of additional wells.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Construction

- Regulator Automation
 - ◆ **Construction activities will continue. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
- Phase II Throttling Facility
 - ◆ **Continue to address DSDC activities for the ongoing construction. Contractor and DEP to continue installation of dewatering system, which includes electrical system upgrades (ConEd) and explore the possibility of spot grouting in the excavation to seal water leaks that are occurring between the interceptor and the steel sheeting. All this in order that the contractor can continue main pit excavation activities and construction of the throttling facility.**

Table 6 – Outer Harbor CSO Project

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	Throttling Facility	Regulator Improvements – Automation
Location:	32 regulator sites throughout Brooklyn and Staten Island	Port Richmond WPCP	Regulator sites throughout Brooklyn and Staten Island
Actions:	Conversion to manually operated sluice gates, replacement of stop plank guides, manhole steps, standardization of manhole cover sizes	Installation of throttling facility and sluice gate in Port Richmond east interceptor sewer	Conversion to automated regulators
Construction Cost:	\$4,390,100	\$3,850,000	\$2,842,000
Status:	Construction Complete	Construction 55% complete.	Construction 5% Complete
Other Issues:	-	Delays to project due to unanticipated field conditions.	-

3.3. Inner Harbor CSO

The Inner Harbor CSO Facility Planning area consists of the drainage areas of the North River, Newtown Creek, and Red Hook Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the Lower East River, Hudson River, Upper New York Bay, and Gowanus Canal and Bay. This section reports on the progress of Phase I (Regulator Improvements) and Phase II (In-Line Storage). In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

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

Work Performed During This Quarter

Design

- In-line Storage
 - ◆ **This project is under construction.**

Construction

- Regulator Automation
 - ◆ **Construction activities were continued during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
 - ◆ The Detailed CPM Schedule due February 28, 2008 was submitted by TMS on March 26, 2008.
 - ◆ **A meeting was conducted on April 17, 2008 with DEP, VIP ARCADIS and TMS to review the comments indicated in the letter dated March 31, 2008.**
 - ◆ **TMS submitted a revised CPM Schedule on April 23, 2008. However, based on ARCADIS' review, it was determined that not all of the comments from the April 17, 2008 meeting were incorporated and consequently the schedule was unacceptable.**
 - ◆ **A revised CPM Schedule was submitted on May 12, 2008 which was consequently reviewed and returned by ARCADIS on May 23, 2008 due to items not addressed from the April 17, 2008 meeting. ARCADIS indicated that since the CPM Schedule is complete and the Schedule of Values was acceptable that TMS should begin cost loading the Schedule.**
- Regulator Improvements
 - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was

submitted to DEC on January 24 and the final inspection was completed by DEC. In a letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.

- In-line Storage
 - ◆ DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC 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.
 - ◆ **The Contractor continued construction. Some activities started this quarter include the excavation and form work for the control vault at both sites, partial excavation of the dam chamber and video inspection of the interior of the sewer due to cracks observed on the outside surface of the sewer line at the R-20 site.**
 - ◆ **A second alternate to Change Order No. 1 was prepared for the support of the excavation due to utility obstructions/interferences as well as a DEC requirement to not dewater due to the presence of a contaminated plume nearby at the R-20 site.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- In-line Storage
 - ◆ **Design is completed. Changes to the contract drawings due to the utility obstructions/interferences will be part of Change Order No. 1.**

Construction

- Regulator Automation
 - ◆ **Construction activities will continue. The contractor is conducting site visits to regulator sites and obtaining necessary permits**
- In-line Storage
 - ◆ **Continue construction activities. Initiate negotiations for Change Order No. 1. Review shop drawing submittals and coordinate future activities with contractor.**

Table 7 – Inner Harbor CSO Project

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	In-Line Storage	Regulator Improvements – Automation
Location:	72 regulator sites in Manhattan and Brooklyn	Upstream of regulators B-6 and R-20 in Brooklyn	Regulator sites in Manhattan and Brooklyn
Actions:	Conversion to fixed orifices	Installation of two inflatable dams in the combined sewer systems	Conversion to automated regulators
Construction Cost:	\$9,500,000	\$11,200,000	\$13,737,000
Status:	Construction Complete	Under construction, 60% complete	Construction 5% Complete
Other Issues:		Force Majeure submitted to DEC in December 2007	

3.4. Paerdegat Basin CSO

The Paerdegat Basin CSO Retention Facility is located in southeastern Brooklyn, at the intersection of Flatlands and Ralph Avenues. The facility will receive combined sewer overflows from outfalls CI-004, CI-005, and CI-006, a drainage area of approximately 6,000 acres in the Coney Island WPCP service area. Once constructed, the facility will consist of a four (4) bay underground storage tank and operations buildings. The stored CSO will be pumped back to the Coney Island WPCP for treatment after each rain event. This section reports on the progress of Phase IA – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Structures and Equipment.

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

Work Performed During This Quarter

Planning

- ◆ Submitted to DEC and EFC the Paerdegat Basin Drainage Specific LTCP report in November 2005, in compliance with the milestone date in the CSO Consent Order. Transmitted a response to DEC comments and revised LTCP on June 30, 2006.
- ◆ DEP approved the Paerdegat Basin LTCP in a letter dated February 1, 2007 (DiMura to Mueller).

Design

- Phase I A – Influent Channels
 - ◆ 100% complete
- Phase II – Foundations and Substructures
 - ◆ Underground CSO Tank design 100% complete.
- Phase III – Superstructures and Equipment
 - ◆ Construction of the facility buildings (Pump Back, Odor Control, Screenings Building and Collection Facilities South headquarters) design 100% complete.

Construction

- Phase I A – Influent Channels
 - ◆ Construction completed in 2002.
- Phase II – Foundations and Substructures

- ◆ **Construction work has 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.**
- ◆ **Representatives of Department, the CM and the CM for the Surety continue to meet on a weekly basis to discuss critical work items impacting and impeding Contracts' CSO-5 from completing specific contract work activities. The Surety prepared bid documents, which were available on April 24, 2008, seeking completing contractor(s). Bids were due May 23, 2008. The Surety's CM stated that there were no bidders for the civil work and had two bidders for the marine work. The Surety has met and discussed completing the civil work with Skanska, the contractor for Contract CSO-5G. The cost to complete the remaining civil work is being negotiated.**
- ◆ **The Surety has made arrangements through the Department to have Contract CSO-5G provide manpower to continue spot dewatering in the CSO Retention Tanks to allow Contracts' CSO-5 to continue contract work, under change orders CSO-5G-26 and CSO-5G-26R. The Department met with the Surety on several occasions and discussed critical Contract CSO-4B's contract work impacting Contract CSO-5's Intermediate Milestone Nos. 2 and 3. To mitigate these impacts the Department and the Surety agreed to transfer critical Contract CSO-4B's contract work impacting Contracts' CSO-5 to Contract CSO-5G, under change order CSO-5G-33. A credit change order for the same value has been issued to the Surety, under credit change order CSO-4B-15.**
- **Phase III - Superstructures and Equipment**
 - ◆ **Construction work has continued and is approximately 73% complete.**
 - ◆ **The 5G Contractor completed installation of doors, hardware and equipment in the Collection Facility South (CFS) Building; completed moving DEP Personnel and equipment into the CFS Building and continued performing punch list work in the CFS Building. Contractor additionally continued to install stainless steel structural batten seam roofing, soffit and fascia on the Pump Back Building (PBB), Odor Control Building (OCB) and Screenings Building (SB); continued to install continued to perform excavation and drive sheeting for the influent conduit; continued installation of RCP site drainage on the CSO Tank Roof and west side of the PBB, OCB and SB; continued installation of flushing gates in the CSO Tanks and continued to dispose of clean soil.**
 - ◆ **The 5E Contractor completed all FDNY requirements for CFS Building conditional approval; continued pulling and terminating cable and wire from the low voltage switchgear to MCCs 1531, 1532 and 1533 in the PBB, OCB and SB; continued installation of telemetry equipment in the CFS Building; continued terminating conductors for, telephone and intercom in the PBB; continued installation of lighting fixtures in the PBB and OCB. Contractor also completed installation of two Manholes and one Handhole on the west side to the PBB, OCB and SB; began installation of associated duct banks on the west side of the PBB, OCB and SB and**

began installation of duct banks for site lighting on the west side of the process buildings.

- ◆ **The 5H Contractor continued installation of stainless steel ductwork, HWS & HWR piping and insulation for piping and ductwork in the PBB, OCB and SB; continued pulling and terminating control wiring in the PBB, OCB and SB. Contractor also continued installation of various pieces of mechanical equipment in the OCB including three (3) hot water boilers, Hot Water Unit Heaters, Expansion Tanks and two (2) exhaust fans in the PBB generator room.**
- ◆ **The 5P Contractor performed no work activities during this quarter.**

Postponed Milestones

- ◆ **None.**

Anticipated Activities for Next Quarter

Construction

- **Phase II - Foundations and Substructures**
 - ◆ **Surety to finalize negotiations with CSO-5G contractor to complete remaining civil work of defaulted contractor.**
- **Phase III - Superstructures and Equipment**
 - ◆ **Work will continue on the construction in order to meet the modified milestone date for Construction Completion Date of May 2011.**
 - ◆ **The 5G Contractor will complete punch list work in the CFS Building. Contractor will also continue installation of flushing gates and associated hydraulic piping and panels in the CSO Tanks; continue installation of control panels and wire in the CSO Tank corridor; continue installation of the stainless steel access platform ladders and framing on the north side of the CSO Tanks; continue installation of stainless steel structural batten seam roofing on the PBB, OCB and SB; continue painting piping and walls in the PBB, OCB and SB; continue installation of odor control ductwork in the OCB; complete installation of service air piping in the PBB, OCB and SB and complete installation of 42-inch CSO force main, 12-inch grit piping and associated valves in the PBB. Contractor will also begin installation of stainless steel sea-rail on the North side of the CSO Tanks; begin installation of ornamental picket fence around the project site and begin placing concrete topping in the PBB, OCB and SB.**
 - ◆ **The 5E Contractor will complete punch list work in the CFS Building and training of DEP personnel on equipment in the CFS Building. Contractor will also continue installation of RGS conduit and conduit racks for lighting, fire alarms, telephones and paging in the PBB, OCB and SB; continue installation of conduit racks and feeder conduits from the low voltage switch gear to MCCs 1531, 1532 and 1533;**

continue pulling, testing and terminating cable and wire for the fire alarms, paging, power and lighting systems in the PBB, OCB and SB; continue pulling, testing and terminating cable and wire for site lighting on the North of the CSO Tanks and west of the process buildings; continue installing ductbanks for site lighting on the west side of the process buildings and continue ductbank installation for control wire on the west side of the process building. Contractor will also energize MCC-1532 and MCC-1533 in the OCB and complete installation of the backup generator in the PBB Generator Room; the low noise generator engine radiator and the load bank.

- ◆ The 5H Contractor will complete punchlist work in the CFS Building. Contractor will also continue to install stainless steel ductwork in the PBB, OCB, SB, CSO Tank Corridor and CSO Tanks No. 1 and No. 2; will continue installation of HWS & HWR piping, refrigeration piping, insulation and fire stopping in the PBB, OCB, and SB. Contractor will also begin installation of registers and access doors in the CSO Tanks; begin performing hydrostatic leak tests on HWS & HWR piping in the OCB and SB; begin testing of refrigerant piping for CRAC Units in the PBB and OCB and complete installation of major equipment and ductwork in the PBB generator room.
- ◆ The 5P Contractor will begin performing punch list items in the CFS Building; complete insulation of various piping in the PBB, OCB and SB; will complete installation of piping and hangers in the PBB, OCB and SB; complete flushing of all piping in the CFS and begin training DEP personnel on various pieces of equipment in the CFS.

Table 8 – Paerdegat Basin CSO Project

	<i>Phase IA</i>	<i>Phase II</i>	<i>Phase III</i>
Construction Phase:	Influent Channels	Foundations and Substructures	Structures and Equipment
Location:	Flatlands and Ralph Avenues, Brooklyn, NY	West Shore of Paerdegat Basin	West Shore of Paerdegat Basin
Actions:	Construction of the influent channels to the CSO facility	Underground structural elements	Aboveground buildings and equipment
Cost:	\$9,000,000	\$123,291,328	\$186,271,073
Status:	Construction completed.	NTP issued on 6/24/02. Construction 97% complete.	NTP issued on 9/26/05. Construction 73% complete.
Other Issues:	-	<p>Dredging of the mouth of the Basin postponed indefinitely due to Belt Pkwy Bridge damage.</p> <p>A written notice of a Request for Modification of a Milestone Date was submitted to DEC on October 31, 2006. NYCDEP received a modified completion date of February 2008 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4.</p> <p>NYCDEP received a modified completion date of May 2011 as set forth in Appendix A, IV. Paerdegat Basin CSO, E. Structures and Equipment, 4.</p> <p>The Contractor was held in default in December 2007. DEP is working with the Surety toward completion of the contract work.</p>	-

3.5. Flushing Bay CSO

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

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

Work Performed During This Quarter

Construction

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

Missed Milestones

- ◆ A written notice of a “force majeure” event was submitted to DEC on September 24, 2004. This event has affected compliance with the Construction Completion milestone date of December 2004 for the Flushing Bay CS4-4 (Mechanical Structures) in the Order.
- ◆ On September 8, 2004, rainfall at LaGuardia Airport was recorded by the National Weather Service at three inches in a three hour time period. This torrential rain event caused flooding in the basement of the Flushing Bay facility due to a breach in a temporary construction bulkhead in the influent sewer line to the facility. Water levels reached seven to eight feet above the basement floor at the CSO facility which caused damage to various mechanical, HVAC and electrical equipment.
- ◆ DEC requested that DEP provide additional information in a formal report concerning the force majeure event and resultant impact upon the facility and construction status. DEP submitted such report on April 1, 2005.
- ◆ **The Flushing Bay CS4-4 milestone was modified pursuant to the 2008 CSO Order Modification.**

Anticipated Activities for Next Quarter

- ◆ **Contractor to continue punchlist activities.**

Table 9 – Flushing Bay CSO Project

Plan Elements:	Flushing Bay CSO Retention Facility
Location:	Intersection of College Point Boulevard and Avery Avenue, Queens
Actions:	Design and construction of a 43 MG storage facility, which includes a 28 MG, underground storage tank and 15 MG in-line storage in upstream sewers. The facility collects flow from the system tributary to the TI-010 outfall.
Cost:	\$291,000,000
Status:	Milestone to accept flow, store and pump to Tallman Island WPCP was met on 5/17/07
Other Issues:	

3.6. Jamaica Tributaries CSO

The Jamaica Tributaries project area includes the Jamaica WPCP sewer shed area and the tributaries, which receive the wet weather discharges from the drainage area. These tributaries include Bergen, Thurston, Shellbank, and Hawtree Basins, which are located in the northeast portion of Jamaica Bay. There are several recommendations that are being advanced in this facility plan which include:

- ◆ Meadowmere & Warnerville DWO Abatement – Construction of a new pumping station, force main, and sanitary sewer collection system in southeast Queens, NY, to convey flows from the communities of Meadowmere and Warnerville into the Jamaica drainage area collection system, for treatment at the Jamaica WPCP. This project will eliminate the dry weather discharge that is currently occurring in these two communities, which are not connected to NYC's collection system.
- ◆ Expansion of Wet Weather Capacity of Jamaica WPCP – An additional 50 mgd of wet weather flow will be treated at the Jamaica WPCP to reduce the CSO discharges to Bergen Basin. Recent analyses indicate that this element has limited water quality benefits. Alternative actions have been analyzed and included in the Waterbody/Watershed plan that were submitted to DEC in June 2007.
- ◆ Destratification Facility – Installation of a permanent diffused-air bubble mixing system at Shellbank Basin. The system is designed to eliminate temperature stratification during the summer season, which leads to poor water quality conditions in the basin, odors and marine life kills. This element currently has an operating pilot facility, which has produced positive water and air quality results for the past 8 summer seasons.
- ◆ Laurelton and Springfield Blvd. Drainage Plan – A drainage plan for 7,000 acres in southeast Queens is being developed to address flooding and to construct high-level storm sewers in a 1,450 acre CSO drainage area tributary to Thurston Basin. The drainage plan identifies the necessary capital sewer projects to alleviate flooding and convert the aforementioned CSO area to a high-level storm sewer system.
- ◆ Regulator Automation – Automation of key regulators was recommended in response to the 1988 State Pollution Discharge Elimination System (SPDES) permit requirements that called for telemetry in the regulators to detect dry weather overflows. It was recommended at those regulators contributing the largest flows to the treatment plants, specifically Regulators 2, 3, and 14 in the Jamaica WPCP drainage area. The Citywide Collection Facilities Supervisory Control and Data Acquisition (SCADA) System Project will automate key regulators in the City by installing electro-hydraulic actuators capable of controlling flows to the sewer interceptor.

Work Performed During This Quarter

Planning

- Destratification Facility
 - ♦ **A sampling plan was developed for the basin; sampling started June 3, 2008 and has continued every Tuesday. Dissolved oxygen, temperature and salinity are measured at 20 different locations within the basin at five foot vertical intervals from the surface to bottom. The data together with graphs has then been sent to DEC Marine Section the following day. The system remained off for the month of June.**
- Drainage Plan
 - ♦ **BWSO submitted the Laurelton and Springfield Blvd. drainage plan for storm sewer buildout on May 31, 2008 in accordance with the modified date granted by DEC in February 2008.**

Design

- Destratification Facility
 - ♦ A final set of contract documents for the Shellbank Basin Destratification Facility Project, was sent for legal review on March 14, 2008: no comments have been received yet.
- Expansion of Wet Weather Capacity of the Jamaica WPCP
 - ♦ **DEP submitted a Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP. The basis of this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction.**

Construction

- Regulator Automation
 - ♦ **Construction activities were continued during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
 - ♦ The Detailed CPM Schedule due February 28, 2008 was submitted by TMS on March 26, 2008.
 - ♦ **A meeting was conducted on April 17, 2008 with DEP, VIP ARCADIS and TMS to review the comments indicated in the letter dated March 31, 2008.**
 - ♦ **TMS submitted a revised CPM Schedule on April 23, 2008. However, based on ARCADIS' review, it was determined that not all of the comments from the April 17, 2008 meeting were incorporated and consequently the schedule was unacceptable.**
 - ♦ **A revised CPM Schedule was submitted on May 12, 2008 which was consequently reviewed and returned by ARCADIS on May 23, 2008 due to items not addressed from the April 17, 2008 meeting. ARCADIS indicated that since the CPM Schedule is complete and the Schedule of Values was acceptable that TMS should begin cost loading the Schedule.**
- Meadowmere/Warnerville

- ◆ Continued DSDC activities for the Meadowmere & Warnerville project. Last **construction site meeting was held on 7/9/08. Construction is 67% complete.**
- ◆ Contractor has continued construction on the pumping station, electrical control building, sewer work in the communities and on Brookville Boulevard, and HDD force main work.
- ◆ **A meeting with NYCDOT was held on 7/15/08 at NYCDOT's 40 Worth St. office to discuss additional steps required to acquire the street work permit associated with micro-tunneling activities on Rockaway Boulevard. Future meeting with NYCDOT will occur 7/31/08.**

Anticipated Activities for Next Quarter

Design

- Destratification Facility
 - ◆ **Continue sampling during the summer, providing data and graphs weekly to DEC marine section. The results of this sampling will allow DEC the review of the permit for the permanent facility.**

Construction

- Regulator Automation
 - ◆ **Construction activities will continue. The contractor is conducting site visits to regulator sites and obtaining necessary permits**
- Meadowmere/Warnerville
 - ◆ Continue DSDC activities for the continuing construction of the Meadowmere & Warnerville DWO abatement project.
 - ◆ **Secure updated NYCDOT permit for street work associated with stage 2 and 3 of the micro-tunneling activities on Rockaway Boulevard. NYSDOT permit has been secured.**

Table 9 – Jamaica Tributaries CSO Project

Plan Elements:	Meadowmere & Warnerville DWO Abatement	Expansion of Wet Weather Capacity of Jamaica WPCP	Destratification	Laurelton and Springfield Blvd. Drainage Plan	Regulator Automation
Location:	Meadowmere and Warnerville – Queens, New York	Bergen Basin	Shellbank Basin	Jamaica WPCP Drainage Area	Regulators 2,3 and 14
Actions:	Construction of a Pumping Station, Sewer Collection System, and Dual Force Main	Provide an additional 50 mgd of wet weather capacity at the Jamaica WPCP.	Conduct Demonstration Construct Permanent Facility	Develop drainage plan for storm sewer build out	Provide automated regulators
Construction Cost:	\$30,648,888	\$120 million	\$3,800,000	To be determined	\$1,421,000
Status:	Construction 67% complete. DSDC activities continued.	Recent analyses indicate that this element has limited water quality benefits. Alternative actions are recommended in the Waterbody/ Watershed Plan now under review by DEC.	Permit under review by USACE and NYSDEC. Site acquisition in progress. Force Majeure/Request for Modification Request submitted.	Drainage planning complete.	Construction 5% Complete.

3.7. Coney Island Creek CSO

The recommended plan for the Coney Island Creek CSO Facility Planning Project is to increase the wet weather pumping capacity of the Avenue V Pumping Station. The Avenue V Pumping Station tributary area encompasses 2,900 acres, of which 2,056 acres are separately sewered and 844 acres have combined sewers. The Avenue V Pumping Station capacity will be increased to capture 85 percent, by volume, of the current CSO discharge from outfall OH-021 to Coney Island Creek. The capacity of the pumping station will be increased from approximately 30 mgd to 80 mgd in two construction contracts, a pumping station upgrade phase and a force main construction phase.

Work Performed During This Quarter

Design

- Avenue V Pumping Station Upgrade
 - ◆ **DSDC activities continued for the Avenue V Pumping Station Upgrade.**
- New Force Mains
 - ◆ **DSDC activities continued for the New Force Mains.**

Construction

- Avenue V Pumping Station Upgrade
 - ◆ **Demolition started of the existing Terra Cotta Arch.**
 - ◆ **Flow meters installed.**
 - ◆ **Reinforced concrete encasement of the existing 42" vitrified clay pipe from MH#2 to the existing manholes at Avenue V completed**
 - ◆ **Connected existing 42" clay pipe with previously installed 48" D.I.P. for diversion of flow from existing wet well to the Wet Well Extension.**
 - ◆ **Support system for the 14" discharge piping at the roof of the Wet Well Extension structure begun.**
 - ◆ **Power and control cables installed for temporary pumps.**
- New Force Mains
 - ◆ **Pipe installation began along the north shoulder of the Belt Parkway with approximately 1,600 ft of pipe installed.**
 - ◆ **Sheeting operations have started at the Fort Hamilton area with approximately 600 ft of sheeting installed.**
 - ◆ **Sheeting installation has continued from Bay 16th St. to Bay Parkway.**
 - ◆ **Work has resumed on the DEP and Contractor trailers.**

- ◆ **Air spading operations continue to prepare the area from Bay 8th Street to Bay Parkway for sheeting.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Construction

- **Avenue V Pumping Station Upgrade**
 - ◆ **Complete reinforced concrete roof and walls from +4 to +11 elevation and install 20" gate with the existing 20" D.I.P. for temporary bypass system.**
 - ◆ **Test submersible pumps inside the wet well extension.**
 - ◆ **Continue to remove the Terra Cotta Arch from the roof of the main building.**
 - ◆ **Continue work on equipment connections for the temporary pump station.**
- **New Force Mains**
 - ◆ **Complete air spading and continue sheeting and pipe installation from Bay 8th St. to Bay Parkway**
 - ◆ **Continue sheeting and pipe installation from Bridge to Bay 8th St.**
 - ◆ **Set up work zone and coordinate with DOT to obtain highway permits from Bay 49th St. to Bay Parkway.**

Table 10 – Coney Island Creek CSO Project

	<i>Contracts</i> <i>PS-79G, H, P, E</i>	<i>Contract</i> <i>PS-79F</i>
Plan Elements:	Upgrade Avenue V Pumping Station	New Force Mains
Location:	Avenue V PS (Avenue V and West 11th Street)	42-inch to SE-133 (Shore Pkwy. Vic. Verrazano Bridge); 48-inch to vic. Reg. 9A
Actions:	Comprehensive upgrade to automate and increase station capacity to 80 mgd; Lower Wet Well operating level to reduce sewer surcharges; Network Protector Structure to reliably transform utility power; Generator system to improve station reliability; Architectural restoration of Main Building to 1915 appearance	New force mains to convey DWF and WWF
Cost:	\$68,200,000	\$97,756,000
Status:	Notice to Proceed issued on 12/16/05. Construction is 40% complete.	Notice to Proceed to Construction is 9% complete.
Other Issues:	None	None

3.8. Newtown Creek CSO

The Newtown Creek CSO Facility Planning area consists of the areas in Brooklyn and Queens from which wet weather runoff drains to the Newtown Creek waterbody and its branches: English Kills, Dutch Kills, Whale Creek, Maspeth Creek and the East Branch. For this CSO planning area, the Waterbody/Watershed Facility Plan, **still under review by the DEC, proposes some modifications to the consent order milestones that will ultimately achieve better CSO capture and result in improved water quality**, as permitted in the Order in Section III, Paragraph A, Section 3.

This section reports on the progress of facility planning and design of the existing CSO plan, subject to modifications by the Waterbody/Watershed Facility Plan, and includes 1) maximizing flow through the Morgan Avenue Interceptor, 2) the construction of in-stream aeration facilities (Zone I & II) and 3) the construction of an off-line storage tank.

Maximizing flow through the Morgan Avenue Interceptor will include raising the overflow weir in Regulator B1; increasing the sluice gate openings to the interceptor; providing a relief sewer from the St. Nicholas weir to Regulator B1; and providing a throttling gate on the Kent Avenue Interceptor. The Aeration Facilities (Zone I) includes construction of a landside compressor station and installation of an air header in the creek bottom of the Upper English Kills. Based upon the performance evaluation of the Zone I aeration testing, Zone II aeration may be implemented to expand in-stream aeration to include the Lower English Kills, the East Branch and Dutch Kills. The off-line storage facility will control CSO discharge to the English Kills and will include a 9 million gallon tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.

Work Performed During This Quarter

Planning

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

Design

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

■ Phase 1 Aeration Facility

- ◆ The NYSDEC Joint Application Permit had expired and a new permit application was submitted to the NYSDEC. The NYSDEC reviewed and has determined that the apparent bulkhead is actually a relieving platform and therefore the land beneath the platform is considered wetlands. As a result, the NYSDEC replied to the NYCDEP with a Notice of Incomplete Application (NOIA). A response to the NOIA was prepared and submitted to the NYSDEC on July 18, 2006. The NYSDEC then issued a second NOIA and a response was prepared by the NYCDEP and submitted to the NYSDEC on August 25, 2006, with a revised response submitted to the NYSDEC on September 7, 2006. The NYCDEP BEPA issued a modified Negative Declaration on October 4, 2006 and the NYSDEC issued a Notice of Complete Application (NOCA) to the NYCDEP on October 18, 2006 for advertisement including a public comment period ending November 10, 2006. The NYSDEC then issued a Notice of Permit Issuance on November 22, 2006 with the effective dates of November 24, 2006 through December 31, 2009. The NYSDEC Joint Application Permit was modified by the DEC on September 11, 2007 to incorporate changes to the construction contract.
- ◆ The NOPI contains Special Conditions, including submission of a Habitat Monitoring Plan and a Wetlands Restoration Plan within 30 days and 60 days of the permit's issuance, respectively.
- ◆ The special condition for the Wetlands Restoration Plan has been approved by the NYSDEC on April 24, 2007.
- ◆ A Habitat Monitoring Plan was submitted to the NYSDEC in January 2007 for their review. The NYSDEC reviewed and submitted comments to the Plan on March 20, 2007. The NYSDEC's comments included requests for much more extensive sampling. The magnitude of the Plan recommended by the NYSDEC is far beyond the scope needed to satisfy the intent of the Permit Condition. A meeting with the NYSDEC, NYCDEP, and the Engineer was held on April 13, 2007 to discuss the NYSDEC comments. The Habitat Monitoring Plan was revised based upon discussions at this meeting and forwarded to the NYSDEC on June 27, 2007. **NYSDEC comments to the Habitat Monitoring Plan were received on December 14, 2007. A DEP response was prepared and submitted to the NYSDEC. DEP continues working with NYSDEC on finalization of the Plan.**
- ◆ **The DEP modified the existing design to achieve higher dissolved oxygen levels and to use this data to assist in the design and permitting of subsequent aeration facilities. A modification to the Contract was issued to modify the diffuser assembly piping accordingly.**
- ◆ The NYCDEP waived the Quality Assurance/Quality Checking (QA/QC) inspection for the blower packages. It was discovered in March that the blower vendor waived most of the shop tests for the blower equipment. **The issue was resolved by having the vendor provide an additional year of warranty on the electrical blowers. All remaining shop tests for the blower equipment will be performed and the results will be evaluated before they can be delivered to the site.**

- ◆ **The DEP submitted work permit extension requests to the New York City Department of Small Business Services' (NYCDSBS) and United States Army Corp of Engineers' (USACOE) on February 22, 2008 and February 25, 2008, respectively. The NYCDSBS and USACOE permits were approved and expire on March 24, 2009 and May 6, 2010, respectively.**
- **Phase 2 Aeration Facilities**
 - ◆ **Reports were prepared and reviewed recommending properties to locate Aeration Facilities along the East Branch and Dutch Kills waterbodies.**
 - ◆ **Preliminary design on Aeration Facilities for the East Branch and Dutch Kills waterbodies has begun and is evaluating the viability of targeting a dissolved oxygen concentration of 3 mg/L, as specified in the WWFP.**

Construction

- **Phase 1 Aeration Facilities**
 - ◆ **The construction of the Phase I Aeration Facilities is 43 percent complete. During the quarter, the NC-EK11G and NC-EK11E Contractors performed the following work:**
 - **NC-EK11G**
 - **Continued the installation of Masonry**
 - **Completed Concrete Floor Slabs**
 - **Completed Concrete Equipment Pads**
 - **Completed the Concrete Electrical Ductbank**
 - **Completed Rough-In Plumbing**
 - **Continued installation of the Roof System for the Building**
 - **Painted the Structural Steel and the Interior Walls of the Building**
 - **Installed the Window Frames in the Office and Toilet Rooms**
 - **NC-EK11E**
 - **Continued the installation of Miscellaneous Conduit Work and Lightning Devices.**
 - **Consolidated Edison of New York installed the Site Electrical Service Pole**
 - **Installed two (2) 5" Conduits for the Electrical Ductbank and for the Electrical Service Pole**
 - ◆ **Change Order NC-EK11G-3 (site storm sewer and retaining wall) was negotiated and sent for processing.**
- **Maximize Flow to Morgan Ave. Interceptor**

- ◆ Kent Avenue Throttling Facility design has been completed. Construction of this facility is included in the Newtown Creek WPCP Upgrade-Contract NC-36.

Missed Milestones

- ◆ There are no missed milestones.

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**
 - **Prepare response to DEC comments to the Habitat Monitoring Plan.**
 - **Submit revised Habitat Monitoring Plan to the NYSDEC.**
 - **Submit Application to Collect and Possess to NYSDEC for Habitat Monitoring Plan**
 - **Attend the shop witness test for the helical screw blower equipment.**
 - **Assist the Contractors with the Certificate of Occupancy approval process.**
 - **Commence with obtaining a permanent electrical service account with Consolidated Edison of New York.**
 - **Commence with obtaining a permanent telephone service account with Verizon.**
- **Phase 2 Aeration Facilities**
 - 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.**

Construction

- **Phase 1 Aeration Facility**
 - The NC-EK11G, NC-EK11H and NC-EK11E Contractors are scheduled to perform the following work for the next quarter:
 - **NC-EK11G**
 - **Complete** installation of Masonry
 - **Complete** installation of remaining Door Frames
 - **Complete installation of the Roof System for the Building**
 - Commence installation of Louvers

- **Commence installation of Bridge and Jib Cranes**
- **Continue painting the Interior Walls of the Building**
- **Continue installation of the Window Frames**
- **Commence installation of Stainless Steel Doors and Hardware**
- **Commence installation of Overhead Coiling Door**
- **Commence installation of Plumbing Fixtures**
- **Commence installation Helical Screw Blowers**
- **Commence installation Blower and Diffuser Assembly Piping**
- **NC-EK11E**
 - Complete installation of Grounding for the Aeration Building
 - Continue installation of Miscellaneous Conduit work
 - Commence installation of Outdoor Transformer
 - Tie-in underground Feeder Cable to Con Edison service
 - **Commence installation of Electrical Room Equipment**
 - **Commence installation of Interior Lighting**
 - **Commence installation of the Fire Alarm System**
- **NC-EK11H**
 - Commence installation of HVAC Equipment.

Table 11 – Newtown Creek CSO Project

Plan Elements:	Maximize flow through Morgan Ave. Interceptor	Phase 1&2 - Aeration Facilities	Off-line Storage Tank
Location:	Regulator B1 and WPCP throttling chamber	Head end of English Kills, south of Grand Street	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in Regulator B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to Regulator B1; provide throttling gate on Kent Avenue Interceptor.	Provide aeration of English Kills to raise DO concentrations to a goal of 3.0 mg/l. The facility includes a landside compressor station and an air header and diffuser assembly on the Creek bottom.	Design of an off-line storage facility to control CSO discharge into English Kills. The facility would include the tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.

Cost:	\$10,000,000	\$65,000,000 (total for Zones I and II)	TBD
Status:	<p>Facility plan elements for modifications to regulator and routing of the relief sewer have been completed. A Revised Final Facility Plan Report was submitted to the DEC.</p> <p>Regulator B1 Modifications are being performed under a Task Order Contract.</p>	<p>Construction is 43% complete.</p> <p>The Habitat Monitoring Plan was revised to incorporate the NYSDEC's most recent comments.</p> <p>Continue design of the Aeration Systems for Dutch Kills and East Branch under Contract NC-EK-IV.</p>	<p>A Draft ULURP application submitted to DEP. The RAP and HASP are under review by BEPA. BEPA submitted comments to the EAS and the Air Modeling Report. The Department directed the Engineer to await the submission of the Newtown Creek LTCP prior to performing the additional work requested by BEPA.</p>
Other Issues:	Requires coordination with WPCP planning and design requirements		<p>Site approval (ULURP) and acquisition of property required. As allowed by the Order, the current plan is subject to modifications by the Waterbody / Watershed Facility Plan.</p>

3.9. Westchester Creek CSO

The Westchester Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall HP-014, which discharges at the head end of the Creek. Westchester Creek receives discharges from five CSO outfalls; however, discharges from CSO Outfall HP-014 were determined to be the primary cause of water quality degradation in the Creek. CSO Outfall HP-014 serves a drainage area of approximately 2,321 acres within the Hunts Point WPCP service area in the Borough of the Bronx. For this CSO planning area, the Waterbody / Watershed Facility Plan currently under review by the NYSDEC analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Westchester Creek CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan recommendations, will be constructed in two phases with Phase I consisting of the facilities to divert the combined sewage to the CSO storage tank, as well as rehabilitation of an existing tide gate chamber, and Phase II consisting of the CSO storage tank. In addition to the facilities required for abatement at CSO Outfall HP-014, the DEP has agreed to provide, as part of the project, amenities for use by the Bronxchester and Van Nest Little Leagues that utilize the baseball fields adjacent to the site of the proposed CSO storage tank on the Bronx Psychiatric Center (BPC) Campus. These amenities consist of restroom facilities, a clubhouse facility, a parking lot to be located on top of the CSO storage tank, and fencing to separate the Little League facilities from the BPC Campus facilities and the DEP facilities. This section reports on the progress of the Little League restroom facilities, and Phases I and II of the Westchester Creek CSO Abatement Facilities Plan.

The Little League restroom facilities will be constructed under a separate contract referred to as the Site Preparation Contract in advance of the Phase I contract. Phase I includes construction of the diversion chamber in Eastchester Road, construction of the 2 MG CSO supply/storage conduit along Waters Place between the diversion chamber and the 10 MG CSO storage tank, and rehabilitation of the existing tide gate chamber located at CSO Outfall HP-014. Phase II includes construction of the 10 MG CSO storage tank in the southwest section of the BPC Campus, including an operations building to house operational units, construction of the Little League clubhouse facility and parking lot, and installation of the required fencing at the site.

Work Performed During This Quarter

Planning

- Site Acquisition at BPC Campus
 - ◆ Negotiations continued between New York City Department of City-Wide Administrative Services (DCAS) and the Dormitory Authority of the State of New York (DASNY) regarding acquisition of the site at the BPC Campus by the DEP for the CSO storage tank, and Little League restroom facilities and clubhouse facility.
 - ◆ A Job Hazard Analysis Form to perform the required surveying to prepare a metes and bounds description of a permanent easement along the access road into the BPC Campus

from Waters Place remained under review by the DEP. This easement, which will be from DASNY to the DEP, is needed to serve as an emergency access route onto the northeast section of the project site, and will be included as a stipulation in the Contract of Sale for the site.

Design

- Site Preparation
 - ◆ Work to prepare the Site Preparation Contract for re-bidding remained on hold until the site at the BPC Campus is acquired by the DEP.
- Phase I – Influent Sewers
 - ◆ Design of the diversion chamber, supply/storage conduit and rehabilitation of the tide gate chamber continued.
- Phase II – CSO Storage Facility
 - ◆ Design of the CSO storage tank and Little League clubhouse facility continued.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Site Acquisition at BPC Campus
 - ◆ Site acquisition negotiations between DCAS and DASNY will continue.
 - ◆ The surveying will be performed and the metes and bounds description will be prepared for the permanent easement along the access road into the BPC Campus from Waters Place.
- Phase I – Influent Sewers
 - ◆ Design of Phase I facilities will continue.
- Phase II – CSO Storage Facility
 - ◆ Design of Phase II facilities will continue.

Table 12 – Westchester Creek CSO Project

Plan Elements:	Westchester Creek CSO Supply/Storage Conduit, CSO Storage Tank and Little League Amenities
Location:	Bronx Psychiatric Center Campus, and along Eastchester Road and Waters Place in the Bronx
Actions:	Design and construction of an underground CSO storage tank with a capacity of 12 MG (including the storage capacity within the supply/storage conduit) to provide abatement at CSO Outfall HP-014 on Westchester Creek; design and construction of an operations building; design and construction of amenities for the Bronxchester and Van Nest Little Leagues
Cost:	Under Revision
Status:	Negative Declaration issued for project; ULURP Application approved; design underway for CSO supply/storage conduit, CSO storage tank and clubhouse facility for Little Leagues; design complete for restroom facilities for Little Leagues
Other Issues:	Site needs to be acquired by DEP from the State of New York; licensing agreement between DEP and the Little Leagues needs to be finalized; NYC Building Permit Application, as well as other permit applications, needs to be processed for restroom facilities for Little Leagues. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

3.10. Bronx River CSO

The modified CSO facilities plan for the Bronx River recommends that floatables control facilities be provided at CSO Outfalls HP-004, HP-007 and HP-009, within the Hunts Point WPCP drainage area, to minimize the discharge of unsightly floatable material. This modified plan eliminated the previously proposed 4 MG CSO storage facility due to limited benefits in the improvement of water quality in the Bronx River.

For CSO Outfall HP-004, which is located on the west bank of the Bronx River just north of the Cross Bronx Expressway and serves a drainage area of approximately 582 acres, the recommended floatables control facility consists of providing in-line netting within a new conduit located upstream of the outfall along West Farms Road. For CSO Outfall HP-007, which is located on the east bank of the Bronx River just north of the Sheridan Expressway and serves a drainage area of approximately 1,693 acres, the recommended floatables control facility consists of providing mechanical screens within Regulators 27 and 27A located upstream of the outfall. For CSO Outfall HP-009, which is located on the east bank of the Bronx River near the confluence with the East River and serves a drainage area of approximately 436 acres, the recommended floatables control facility consists of providing in-line netting within Regulator 13, located within Soundview Park upstream of the outfall.

Work Performed During This Quarter

Planning

- ◆ **On April 9, 2008, the DEP received comments on the ULURP Zoning Map Amendment Application and Public Facility Application from the NYCDCP and the Bronx City Planning Office from the revised applications, resubmitted in March 2008 for approval.**
- ◆ **The revised Health and Safety Plan (HASP) for drilling the environmental borings at the floatables control facilities sites for the Bronx River Floatables Control Facilities Project, prepared by the drilling contractor is being reviewed by the DEP.**
- ◆ **On April 24, 2008 a meeting was held at the Office of the NYCDCP with representatives from the NYCDCP Technical Review, NYCDPR, and the DEP to review the Bronx River Land Exchange ULURP Mapping Application submitted to the NYCDCP in mid-February 2008. Final changes have been completed in May 2008 and the application is being routed through Parks and DEP for final signatures.**
- ◆ The draft EAS has been revised and is undergoing final review by the DEP.
- ◆ DEP has determined no ULURP will be required for the floatables control.

Design

- ◆ Design of the floatables control facilities continued.

- ◆ **DEP issued a request to Con Edison on May 13, 2008 to provide power for mechanical screening equipment to be located at two facilities; one located on Bronx Park Avenue between Wyatt Street and East 177th Street, and the second facility located in the Bronx Zoo located adjacent to a monorail shed.**
- ◆ **The 90 percent complete contract drawings and specifications for the floatables control facilities, completed by May 1, 2008, are being reviewed by the DEP.**
- ◆ The traffic impact study report for Regulator 27 (Outfall HP-007), entitled “Bronx Floatables Expansion of Regulator CSO 27, Traffic Impact Study of Local Detour Route,” was finalized, and the DOT was contacted regarding the recommended traffic control plan included in the report.
- ◆ An updated construction cost estimate (at 90% complete) for the floatables control facilities was prepared.
- ◆ The draft Geotechnical Investigation Report for the floatables control facilities, based on the geotechnical borings drilled at the project sites, remained under review.
- ◆ **A utility coordination meeting was held on June 24, 2008 between the NYCDEP, Con Edison and the Empire City Subway for work on the Bronx River Floatables Project.**

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- *Planning*
 - ◆ The DEP to review and approve the EAS for the floatables control facilities.
 - ◆ The environmental borings will be taken at the sites of the floatables control facilities.
- *Design*
 - ◆ **Design of the floatables control facilities will be completed in July 2008.**
 - ◆ Review of the draft Geotechnical Investigation Report for the floatables control facilities sites will be completed.
 - ◆ DOT approval of the recommended traffic control plan for Regulator 27 for the floatables control facilities to be obtained.
 - ◆ **The completed contract drawings and specifications will be prepared for bid.**

Table 13 – 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:	\$35,398,000
Status:	Draft EAS for floatables control facilities under review, ULURP Application for floatables control facilities not required; design of floatables control facilities ongoing
Other Issues:	EAS for floatables control facilities completed and under review and needs to be approved and Negative Declaration issued; final contract drawings and specifications to be submitted and approved for bidding

3.11. Hutchinson River CSO

The Hutchinson River CSO Facilities Planning area consists of the drainage areas of CSO Outfalls HP-023 and HP-024 in the Hunts Point WPCP drainage area. The Hutchinson River receives discharges from five CSO outfalls; however, discharges from CSO Outfalls HP-023 and HP-024 were determined to be the primary cause of water quality degradation in the River. CSO Outfall HP-023, which is located on the west bank of the Hutchinson River near the southern end of Conner Street, serves a drainage area of approximately 300 acres. CSO Outfall HP-024, which is located on the west bank of the Hutchinson River near the intersection of Boston Road and 233rd 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 NYSDEC, analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Hutchinson River CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan, will be constructed in two phases with Phase I consisting of a 4 MG CSO storage tank to provide abatement at CSO Outfall HP-023 and Phase II a 3 MG CSO storage tank to provide abatement at CSO Outfall HP-024. This section reports on the progress of Phases I and II of the Hutchinson River CSO Abatement Facilities Plan.

Phase I includes construction of a southern 4 MG CSO storage tank to be located adjacent to the Hutchinson River wholly within the boundary limits of Public Place Site, which is land near the southern end of Conner Street currently controlled by the DPR. Phase II includes construction of a northern 3 MG CSO storage tank to be located adjacent to the Hutchinson River along Hutchinson Avenue on land currently owned by Pascap Export, Inc.

Work Performed During This Quarter

Design

- Phase I – 4 MG CSO Storage Tank
 - ◆ Design of the 4 MG CSO storage tank continued.
- Phase II – 3 MG CSO Storage Tank
 - ◆ Design of the 3 MG CSO storage tank continued.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Phase I – 4 MG CSO Storage Tank
 - ◆ Design of Phase I facilities will continue.
- Phase II – 3 MG CSO Storage Tank
 - ◆ Design of Phase II facilities will continue.

Table 14 – Hutchinson River CSO Project

Plan Elements:	Hutchinson River CSO Storage Facilities
Location:	City-owned property at southern end of Conner Street adjacent to Hutchinson River; privately-owned property along Hutchinson Avenue adjacent to Hutchinson River
Actions:	Design and construction of a 4 MG CSO storage tank and a 3 MG CSO storage tank to provide abatement at CSO Outfalls HP-023 and HP-024, respectively; rehabilitation of existing CSO Outfalls HP-023 and HP-024
Cost:	Under Revision
Status:	Preparation of EAS and ULURP Application being coordinated with the CSO Long-Term Control Plan; design underway
Other Issues:	EAS needs to be prepared, approved and Negative Declaration issued; ULURP Application needs to be prepared, certified and approved; sites for CSO storage facilities need to be acquired. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

3.12. Jamaica Bay CSO

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26th Ward WPCP drainage area, specifically the CSO discharges to Fresh Creek, Hendrix St. Canal and Spring Creek, as well as other tributary waters with CSO discharges to Jamaica Bay. The Phased plan for the 26th Ward tributaries includes: Phase I includes cleaning of sewers in the 26th 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 26th Ward WPCP by 50 mgd.

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

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

Work Performed During This Quarter

Design

- **Cleaning of Certain Combined Sewers**
 - ◆ **The contractor, National Water Main Cleaning company, submitted the qualifications for their proposed Certified Safety Consultant and a draft of the Health and Safety Plan to the Department for review. The contractor has begun site preparation, to include the installation of fencing, at Department property at the intersection of Flatlands Avenue and Williams Street to locate office trailers and setting up the staging area and parking facilities for his crew and equipment.**
- **Dredging**
 - ◆ **Revised contract documents, including design drawings and technical specifications, were submitted to the NYSDEC Marine Resources Division which reflected a containment cap constructed of sand only.**
 - ◆ **The Department, as lead agency, determined that the project would not have a significant effect on the environment published a Negative Declaration, Notice of Determination on Non-Significance on April 11, 2008.**
 - ◆ **The Department received a Notice of Complete Application for the project from the NYSDEC on June 26, 2008. In that notice, the NYSDEC requested that the**

Department place the Notice of Complete Application in the Daily News the week of June 30, 2008.

- Expansion of 26th Ward WPCP Capacity
 - ◆ **Design work for the 50 mgd increase in wet weather capacity continued.**

Construction

- Spring Creek Auxiliary WPCP Upgrade
 - ◆ **Construction activities are nearing completion with only punch list work on the scavenger waste facility and change order work remaining to be completed at the Spring Creek Auxiliary WPCP upgrade. The odor control system, generator, boilers, and disinfection system have all been started up and the certification of construction completion was sent to the NYSDEC meeting the April 30th milestone. All basins are operational.**
 - ◆ **Wet Weather Operating Plan comments received from DEC were addressed and the updated plan submitted to DEC.**

Missed Milestones

- Dredging
 - ◆ **The Notice to Proceed to Construction milestone for Hendrix Creek Dredging was not achieved due to a revision to the design of the containment cap as a result of NYSDEC's comments on the Joint Application permit by DEC's Bureau of Marine Resources. A modification request for this, as well as the Construction Completion milestones was submitted to the NYSDEC on April 28, 2008 by the Department.**

Anticipated Activities for Next Quarter

- Dredging
 - ◆ **In accordance with the request of the NYSDEC, the Department will place the Notice of Complete Application in the Daily News the week of June 30, 2008.**
- Cleaning of Certain Combined Sewers
 - ◆ **Initiation of sewer cleaning activities by the contractor and construction management of contractor sewer cleaning activities by the DEP.**
- Spring Creek Upgrade
 - ◆ **The Contractor is completing the work on the scavenger waste station.**
 - ◆ **The electrical contractor is completing the work on the security system and permanent control room.**

Table 15 – Jamaica Bay CSO Project

Plan Elements:	Dredging	Cleaning of Certain Combined Sewers	Expansion of 26 th Ward WPCP Capacity	Spring Creek Upgrade
Location:	Phase I- Interim Dredging of Hendrix Street Canal	Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues	Phase IV- 26 th Ward WPCP, Brooklyn	Spring Creek, Brooklyn
Actions:	Contract documents for interim dredging have been revised and were submitted to the USACE and NYSDEC.	Contractor to initiate work May 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility
Project Cost:	\$15 million	\$4.3 million	Estimate Construction Costs: ■ 26W- 13: \$26 million ■ 26W-20: \$232 million ¹ ■ 26W-22: \$424 million ¹ ■ 26W-23: \$58 million ¹ ■ 26W-24: TBD ¹ Conceptual estimate	\$87 million
Status:	Negative Declaration Received. Await Receipt of Permits to allow for Dredging of Canal.	On Schedule	Final Design Initiated	100% complete
Other Issues:	Modification of Notice to Proceed to Construction and Construction Complete Milestones.	-	-	-

3.13. Citywide Comprehensive Floatables Plan

Work Performed During This Quarter

- ◆ During the **second** quarter of 2008, data collection by the Harbor Water Quality Survey crews for the floatables monitoring program continued.
- ◆ The floatables monitoring program also completed its transition from a pilot phase to a full scale program on schedule as of February 2008. Over the course of 2008, floatables monitoring activities will be incorporated into existing programs (listed below) to expand the number of sites monitored **relative to the pilot program**.
 - 1) Long Term Control Plan post construction compliance monitoring (PCM)- Floatables monitoring will be conducted as part of the PCM as sites come on line. **For instance, the Flushing and Spring Creek CSO retention facility PCM sites include floatables monitoring.**
 - 2) Harbor Water Quality Survey – Floatables monitoring **has been** incorporated into existing cruise schedules to cover active sites.
 - 3) Public Participation – Volunteer monitoring sites **have been** added to the sites tested under the pilot program **for** the 2008 monitoring season (i.e., 2008 bathing season).
 - 4) Environmental Benefit Shoreline Cleanup Program – Additional monitoring **is being** conducted in conjunction with this DEP cleanup program. Cleanups **are occurring** over several days during the summer of 2008 at six sites.
- ◆ The New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years, completed floatables monitoring at approximately 10 sites during the 2007 bathing season as a public participation group. Coordination with the Survey Program **continued during the second** quarter of 2008 in anticipation of 2008 bathing season activity. **And, as indicated above, monitoring for the 2008 bathing season has been implemented at 10 - 15 survey locations**
- ◆ As part of the CSO LTCP project, Waterbody/Watershed reports have incorporated general language describing the floatables monitoring program and the inclusion of floatables monitoring as part of the post construction monitoring program for relevant LTCP waterbodies.
- ◆ The Floatables Monitoring Program Progress Report for CY2007 was developed during the first quarter and submitted as an addendum to the CSO BMP Annual Report to the New York State Department of Environmental Conservation during the first week of April.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ Continue floatables monitoring program activities, including monitoring at all active Harbor Water Quality Survey sites.
- ◆ Continued planning **and implementation of** monitoring by the public participation group (New York City Beach Floatables Survey Program) during the 2008 bathing season.
- ◆ Continued planning **and implementation of** monitoring to be conducted by the Environmental Benefit Fund Shoreline Cleanup Program
- ◆ **Continue** planning for site-specific investigations that will occur at three sites during 2008 based on the recommendations in the CY2007 Floatables Monitoring Program Progress Report.

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 June 2008:

Table 16 – Consent Order Milestone Dates

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
I. Alley Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Approvable Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable East River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Outfall and Sewer System Improvements			
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
D. CSO Retention Facility			
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	15
E. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for	-	6 mos. after	50

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	Alley Creek		approval of I.B.1.	
	2. Submit Approvable Drainage Basin Specific LTCP for East River	-	6 mos. after approval of I.B.2.	50
II. Outer Harbor CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Regulator Improvements - Fixed Orifices				
	1. Initiate Final Design	Jan. 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	April 2005	100
	3. Notice to Proceed to Construction	Feb. 2006	-	100
	4. Construction Completion	-	July 2008	100
D. Regulator Improvements – Automation				
	1. Initiate Final Design	Feb. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Nov. 2007	-	100
	4. Construction Completion	-	June 2010	8
E. Port Richmond Throttling Facility				
	1. Initiate Final Design	June 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	Aug. 2005	100
	3. Notice to Proceed to Construction	June 2006	-	100
	4. Construction Completion	-	Dec. 2008	55
	F. Submit Approvable Drainage Basin Specific LTCP for Open Waters	-	6 mos. after approval of II.B.1.	50
III. Inner Harbor CSO				
A. Facility Plan Development				
	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. Comprehensive Watershed Planning				
	1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Regulator Improvements - Fixed Orifices				
	1. Initiate Final Design	Mar. 2000	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2002	100
	3. Notice to Proceed to Construction	Feb. 2003	-	100
	4. Construction Completion	-	Apr. 2006	100
D. Regulator Improvements – Automation				
	1. Initiate Final Design	Feb. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Nov. 2007	-	100
	4. Construction Completion	-	June 2010	8
E. In-Line Storage				
	1. Initiate Final Design	July 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Aug. 2007	-	100
	4. Construction Completion	-	Aug. 2010	60
F.	Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	6 mos. after approval of III.B.1.	50
IV. Paerdegat Basin CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
	3. Submit Form 2A SPDES Application	-	July 2002	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report	-	Mar. 2003	100
C. Influent Channel				
	1. Initiate Final Design	Oct. 1994	-	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	2. Final Design Completion Including CPM Analysis	-	Mar. 1997	100
	3. Notice to Proceed to Construction	Feb. 1999	-	100
	4. Construction Completion	-	Feb. 2002	100
D. Foundations and Substructures				
	1. Initiate Final Design	Oct. 1994	-	100
	2. Final Design Completion Including CPM Analysis	-	Aug. 2001	100
	3. Notice to Proceed to Construction	June 2002	-	100
	4. Construction Completion	-	Feb. 2009	97
E. Structures and Equipment				
	1. Initiate Final Design	Oct. 1994	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2004	100
	3. Notice to Proceed to Construction	Sept. 2005	-	100
	4. Construction Completion	-	May. 2011	73
	F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov. 2005	100
V. Flushing Bay CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
	3. Submit Form 2A SPDES Application	-	June 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report	-	June 2007	100
	2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. CS4-1 Reroute and Construct Effluent Channel				
	1. Initiate Final Design	Oct. 1992	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 1994	100
	3. Notice to Proceed to Construction	June 1995	-	100
	4. Construction Completion	-	June 1996	100
D. CS4-2 Relocate Ballfields				
	1. Initiate Final Design	Oct. 1992	-	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	2. Final Design Completion Including CPM Analysis	-	Sept. 1994	100
	3. Notice to Proceed to Construction	Apr. 1995	-	100
	4. Construction Completion	-	Aug. 1995	100
E. CS4-3 Storage Tank				
	1. Initiate Final Design	Dec. 1993	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 1996	100
	3. Notice to Proceed to Construction	July 1997	-	100
	4. Construction Completion	-	Aug. 2001	100
F. CS4-4 Mechanical Structures - Initiate Final Design				
	1. Initiate Final Design	Dec. 1993	-	100
	2. Final Design Completion Including CPM Analysis	-	Feb. 2000	100
	3. Notice to Proceed to Construction	Mar. 2002	-	100
	4. Construction Completion	-	Dec. 2004	100
G. CS4-5 Tide Gates				
	1. Initiate Final Design	Aug. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 1999	100
	3. Notice to Proceed to Construction	Dec. 2000	-	100
	4. Construction Completion	-	Apr. 2002	100
H. CD-8 Manual Sluice Gates				
	1. Final Design Completion Including CPM Analysis	-	May 2003	100
	2. Notice to Proceed to Construction	Feb. 2004	-	100
	3. Construction Completion	-	June 2005	100
I. Drainage Basin Specific LTCPs				
	1. Submit Approvable Drainage Basin Specific LTCP for Flushing Bay	-	6 mos. after apprvl. of V.B.1.	50
	2. Submit Approvable Drainage Basin Specific LTCP for Flushing Creek	-	6 mos. after apprvl. of V.B.2.	50
VI. Jamaica Tributaries CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	April 2003	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Meadowmere & Warnerville DWO Abatement			
1. Initiate Final Design	Jan. 2004	-	100
2. Final Design Completion Including CPM Analysis	-	May 2005	100
3. Notice to Proceed to Construction	Jun. 2006	-	100
4. Construction Completion	-	Mar. 2009	58
D. Expansion of Wet Weather Capacity of Jamaica WPCP			
1. Initiate final Design	June 2009	-	-
2. Submit Form 2A SPDES Application	-	June 2010	-
3. Final Design Completion Including CPM Analysis	-	June 2011	-
4. Notice to Proceed to Construction	June 2012	-	-
5. Construction Completion	-	June 2015	-
E. Destratification Facility			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2007	100
3. Notice to Proceed to Construction	Apr. 2009	-	0
4. Construction Completion	-	Nov. 2010	-
F. Laurelton and Springfield Blvd.			
1. Submit Drainage Plan for Storm Sewer Build-out (extension granted by DEC letter, 2/29/08)	-	May 2008	100
G. Regulator Automation			
1. Initiate Final Design	Feb. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
3. Notice to Proceed to Construction	Nov. 2007	-	100
4. Construction Completion	-	June 2010	8
H. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin	-	Aug. 2012	50

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin	-	Aug. 2012	50
VII. Coney Island Creek CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Apr. 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Avenue V Pumping Station Upgrade				
	1. Initiate Final Design	April 1998	-	100
	2. Final Design Completion including CPM Analysis	-	Jan. 2005	100
	3. Notice to Proceed to Construction	Nov. 2005	-	100
	4. Construction Completion	-	Apr. 2011	40
D. Avenue V Force Main				
	1. Initiate Final Design	Apr. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2006	100
	3. Notice to Proceed to Construction	July 2007	-	100
	4. Construction Completion	-	June 2012	9
	E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	6 mos. after approval of VII.B.1.	50
VIII. Newtown Creek CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Oct. 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Aeration Zone I				
	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	61

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
D. Aeration Zone II			
1. Initiate Final Design	June 2007	-	100
2. Final Design Completion Including CPM Analysis	-	June 2010	<5
3. Notice to Proceed to Construction	June 2011	-	-
4. Construction Completion	-	June 2014	-
E. Relief Sewer / Regulator Modification			
1. Initiate Final Design	June 2007	-	100
2. Final Design Completion Including CPM Analysis	-	June 2009	10
3. Notice to Proceed to Construction	June 2010	-	-
4. Construction Completion	-	June 2014	-
F. Throttling Facility			
1. Initiate Final Design	Dec. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	June 2008	100
3. Notice to Proceed to Construction	June 2009	-	-
4. Construction Completion	-	Dec. 2012	-
G. CSO Storage Facility			
1. Initiate Final Design	Nov. 2010	-	-
2. Submit Form 2A SPDES Application	-	Nov. 2013	-
3. Final Design Completion Including CPM Analysis	-	Nov. 2014	-
4. Notice to Proceed to Construction	Dec. 2015	-	-
5. Construction Completion	-	Dec. 2022	-
H. Submit Approvable Drainage Basin Specific LTCP for Newtown Creek	-	Feb. 2016	50
IX. Westchester Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Apr. 2003	100
2. Submit Form 2A SPDES Application	-	June 2009	-
B. Comprehensive Watershed Planning			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	July 2004	June 2007	100
C. Phase I (Influent Sewers)			
1. Initiate Final Design	Jan. 2004	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Final Design Completion Including CPM Analysis	-	June 2010	20
3. Notice to Proceed to Construction	June 2011	-	-
4. Construction Completion	-	June 2015	-
D. CSO Storage Facility			
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
X. Bronx River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Sept. 2003	100
2. Submit Additional Modified Facility Plan Report	-	Mar. 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Floatables Control			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	July 2008	95
3. Notice to Proceed to Construction	June 2009	-	-
4. Construction Completion	-	June 2012	-
D. Submit Approvable Drainage Basin Specific LTCP for Bronx River	-	Aug. 2009	50
XI. Hutchinson River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	July 2003	100
2. Submit Form 2A SPDES Application	-	June 2009	-
B. Comprehensive Watershed Planning			
1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Phase I of the Storage Facility			
1. Initiate Final Design	Apr. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	June 2010	10

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	3. Notice to Proceed to Construction	June 2011	-	-
	4. Construction Completion	-	June 2015	-
D. Future Phases				
	1. Notice to Proceed to Construction	Dec. 2016	-	-
	2. Construction Completion	-	Dec. 2023	-
	E. Submit Approvable Drainage Basin Specific LTCP for Hutchinson River	-	Feb. 2017	50
XII. Jamaica Bay CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Dec. 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Jamaica Bay Waterbody / Watershed Facility Plan Report	-	June 2007	100
	2. Submit Approvable Spring Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
	3. Submit Approvable Fresh Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
	4. Submit Approvable Hendrix Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Spring Creek AWPCP Upgrade				
	1. Initiate Final Design	Apr. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Feb. 2002	100
	3. Submit Form 2A SPDES Application	-	June 2003	100
	4. Notice to Proceed to Construction	Mar. 2003	-	100
	5. Construction Completion	-	April 2007	100
D. 26th Ward Drainage Area Sewer Cleaning and Evaluation				
	1. Initiate Final Design	Jan 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2007	100
	3. Notice to Proceed to Construction	-	June 2008	100
	4. Construction Completion	-	June 2010	<1
E. Hendrix Creek Dredging				
	1. Initiate Final Design	Jan 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2007	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	3. Notice to Proceed to Construction	-	June 2008	-
	4. Construction Completion	-	June 2010	-
F. 26th Ward Wet Weather Expansion				
	1. Initiate Final Design	June 2006	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2010	15
	3. Submit Form 2A SPDES Application	-	June 2009	-
	4. Notice to Proceed to Construction	June 2011	-	-
	5. Construction Completion	-	Dec. 2015	-
G. Drainage Basin Specific Long Term Control Plans				
	1. Submit Approvable Drainage Basin Specific LTCP for Jamaica Bay	-	Aug. 2012	50
	2. Submit Approvable Drainage Basin Specific LTCP for Spring Creek	-	Aug. 2012	50
	3. Submit Approvable Drainage Basin Specific LTCP for Fresh Creek	-	Aug. 2012	50
	4. Submit Approvable Drainage Basin Specific LTCP for Hendrix Creek	-	Aug. 2012	50
XIII. Citywide Comprehensive Floatables Plan				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Dec. 2004	100
XIV. Submit Approvable City-Wide LTCP				
		-	Dec 2017	-

5.0. Community Relations

An Alley Creek public meeting was held May 21, 2008 to review and receive input on the Alley Creek WB/WS Plan. The meeting was held jointly by DEP and DEC and a responsiveness summary is being prepared by DEP and DEC.

The Gowanus Canal responsiveness summary from the February 12, 2008 public meeting was finalized for publication in the DEC's Environmental Notice Bulletin (ENB).

The fourth public outreach meeting of the Interagency Best Management Practices (BMP) Task Force was held on Thursday, June 19, 2008. This meeting focused on the geographical analysis component of the work of the Interagency BMP Task Force. The meeting included an update on the BMP Task Force, a presentation of some geographical considerations involved in analyzing BMPs in New York City, and a brainstorming session to invite discussion and feedback on the topic.

6.0. Key Personnel Changes

7.0. Other Issues

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

1. Paerdegat Basin CSO

On December 6, 2007, the DEP declared the 4B contractor (Foundations and Substructures) to be in default of the contract based upon the contractor's abandonment of the site and failure to perform. **The Surety has made arrangements through the Department to have Contract CSO-5G provide manpower to continue spot dewatering in the CSO Retention Tanks to allow Contracts' CSO-5 to continue contract work, under change orders CSO-5G-26 and CSO-5G-26R. The Department met with the Surety on several occasions and discussed critical Contract CSO-4B's contract work impacting Contract CSO-5's Intermediate Milestone Nos. 2 and 3. To mitigate these impacts the Department and the Surety agreed to transfer critical Contract CSO-4B's contract work impacting Contracts' CSO-5 to Contract CSO-5G, under change order CSO-5G-33. A credit change order for the same value has been issued to the Surety, under credit change order CSO-4B-15.**

2. Jamaica Tributaries CSO

DEP submitted a Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP. The basis of this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction.

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

3. Jamaica Bay CSO

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

DEP submitted a Notice of Force Majeure and a Request for Modification of the Notice to Proceed to Construction and Construction Completion milestones associated with the Interim Dredging of the Hendrix Street Canal to the NYSDEC on April 28, 2008. The basis for the request was the requirement to revise the design of the containment cap to be placed over the area to be dredged in accordance with the request of the NYSDEC Marine Resources Division.

4. Additional Waterbody/Watershed Modification Requests

In accordance with the CSO Consent Order; the DEP proposed modifications to the Newtown Creek, Westchester Creek, and Hutchinson River CSO plans as part of the June 30, 2007 - Waterbody/Watershed Plans submittal. These revised plans would require modifying

particular milestones currently contained in the CSO consent order and that NYCDEP believes would achieve equivalent or better water quality benefits. It is important to resolve this issue as soon as possible, as many of these consent order milestones that the WB/WS Plans proposed to modify have already commenced or are scheduled to commence in the near future.

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

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

6. Outer Harbor CSO - Phase II Throttling Facility

DEP submitted a Notice of Force Majeure in November 2007 to NYSDEC due to an unanticipated subsurface condition encountered by the contractor. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date.

On February 15, 2008, DEP submitted an update to the November 2007 Force Majeure event.

7. Inner Harbor CSO – In-line Storage

DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC 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.

8. Jamaica Tributaries – Warnerville Pump Station and Force Main

DEP submitted a Notice of Force Majeure on February 15, 2008 to NYSDEC due to unanticipated subsurface conditions encountered by the contractor. DEP has not yet determined the impact this event will have on compliance with the construction completion milestone date.

8.0. Status of LTCP Development

According to the Order, the reporting on the progress of the Drainage Basin Specific LTCP and Waterbody/Watershed Plan development shall be included in the first and third quarterly reports of each calendar year beginning in the year 2005 and continuing until all Appendix A requirements have been completed and approved. 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.

APPENDIX A

CONSENT ORDER CERTIFICATION LETTERS



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

James G. Mueller, P.E.
Deputy Commissioner

Tel. (718) 595-5973
Fax. (718) 595-5999
jmueller@dep.nyc.gov

Bureau of Engineering
Design & Construction

May 29, 2008

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

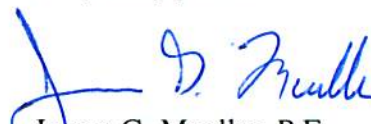
RE: Order on Consent (CSO Order)
DEC Case #CO2-20000107-8
Appendix A, VI. Jamaica Tributaries CSO
F. Laurelton and Springfield Blvd.

Dear Mr. DiMura:

In accordance with Section III of the above referenced Consent Order for Combined Sewer Overflow (the Order), and the extension granted by NYSDEC in a letter dated February 29, 2008, the attached plans certify compliance with a milestone contained in the Order by the New York City Department of Environmental Protection (DEP). Enclosed, please find the drainage plans for storm sewer build out, in conformance with Milestone VI.F.1 in Appendix A of the Order. This final submittal contains the Commissioner-signed drainage plans, as the design overview was previously submitted to DEC in January and remains unchanged.

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

Very truly yours,


James G. Mueller, P.E.
Deputy Commissioner



www.nyc.gov/dep

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

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233

Robert Elburn, P.E.
Regional Water Engineer
Division of Water, Region 2
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, NY 11101

Robyn Adair, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233

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

Timothy Burns, P.E.
New York State Environmental Facilities Corporation
625 Broadway
Albany, NY 12233

DEP: R. Levine, E. Rogak, J. Garin, M. Farag, P. Shah, S. Hussain,
K. Mahoney, D. Chao, P. Young (H&S), File

10:00 AM

Name	Affiliation	Tel. No.
Dorothy Chao	DEP BEDC	718-595-6564
William Plache	NYL LAW DEPT	(212) 788-1574
Selin T. Southwell	N Y C W E L	718 482 4881
Owen Messac	NYS DEC	518-338-6364
SUE MCCORMICK	NYSDEC	518-402-8199
GARY BLINE	NYS DEC	518 402 9655
Kenneth Clarke	NYCD EP BEDC	718 595 5995
Michael Borsukowsky	DEP	718-595-5924
James Mueller	DEP	718-595-5973
Vincent Sapenza	DEP-BWT	718 595 4906
Keith Mahoney	DEP - BEDC	718-595-5972
ART SPANGLER	DEP-BWT	718 595 5013
RIM MESHKATI	DEP-BEDC-FCS	917-543-7734
Diane Hammerman	DEP - BWT	718 595 4965
JERRY VOLGENDE	DEP - BWT	718-595-4973
SCOTT CRIVELLO	BIC - Legal	518 902 - 8512
Carin Spreitzer	DEC-Legal	518-402-9223
Robynn Adair	DEC-Legal	(518)-402-9517
Elizabeth Rozak	DEP - Legal	718 595-6594
Peter Young	Hazen and Sawyer	212-539-7009
Matthew Asit	DEP	718 595 6077
Norm Bradley	Hazen and Sawyer	212-539-7049

NYSDEC/NYCDEP CSO Consent Order Quarterly Meeting

Meeting Minutes

May 14, 2008

Brooklyn, NY

The quarterly meeting to discuss issues related to the Combined Sewer Overflow (CSO) Consent Order was held on May 14, 2008 at the construction management trailer of the Paerdegat Basin Combined Sewer Overflow Facility. Dorothy Chao (NYCDEP) welcomed representatives of NYSDEC and NYCDEP to the meeting and presented much of the technical material on behalf of the DEP. The agenda of the meeting and the sign-in sheet are attached.

1. Review of Previous Quarterly Meeting Minutes

Sue McCormick (NYSDEC) noted that she transmitted minor comments (primarily typos) on the previous quarter's meeting minutes and the 1st Quarter CSO Progress Report. Dorothy Chao confirmed receipt of the comments via e-mail. The comments included:

Item #1 – DEP has agreed to incorporate comments made by DEC from the previous meeting minutes, but they are not here. Please add them.

The DEC comments were as follows:

First Bullet: Rewrite to read: "Sue McCormick asked DEP to follow up with John McLaughlin (NYCDEP) on the status of a potential EBP in the Bronx that he wanted to submit to DEC prior to the end of the year. She also stated her concern that the January 1, 2008 due date (from the CSO Order Mod) for the full EBP Plan might not be met."

Add a bullet: "Sue stated that references to the BNR EBPs (stormwater pilot projects) in all WWFPs, other reports and at public meetings must be noted as being done per enforcement actions pursuant to the LIS Consent Judgment."

Add a bullet: "Gary stated that dredging and aeration are indefinite projects and DEC does not want to give up definite projects in the Order for ones that may not come to fruition."

Add a bullet: "Sue requested the technical scope of work and CPM be provided for the Rockaway Sewer Separation project. Liz asked that an email be sent to her with the request. Note: DEC sent the request via letter 12/11/07."

Item #6 – Newtown Creek Aeration - this discussion was about the NTP for the Zone II project, not Zone I. Zone I is already under construction.

Item #8 – Gary did not say that the WWFP reviews would not be prioritized as DEP requested. He said that DEC has requested extra technical information on each of the four WWFPs and that reviews cannot be completed until that is received. It has not been received to date.

Item #9 – Proof of “publication”, not purchase.

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

- Table 1 and 3: Both contain the milestone for the 26th Ward Sewer Cleaning – it should only be in Table 1.
- Table 3: Newtown Creek Throttling Facility milestone was already met in December 2007. It should not be listed here.
- Table 3: Add: Jamaican Tribs, Laurelton and Springfield Blvds. Drainage Plan, Plan Submittal, May 2008. (Extension granted by DEC letter dated 2/29/08)
- Table 4: Jamaica Bay, 26th Ward Drainage Area Sewer Cleaning – NTP was 1/10/08, so there should be a percentage of time elapsed listed.
- Page 3-29: Under both bullets labeled “Maximize Flow to Morgan Ave. Interceptor” it is indicated that the Kent Avenue Throttling Facility is still in the design stage, yet the DEC received final plans and specs on 12/28/07 and Table 16 indicates that the design is 100% complete.
- Table 16: VI.F.1. – Due Date is May 2008 per DEC letter dated 2/29/08.
- Table 16: XII.D.3. - Percent complete is 100%.

2. Discussion of 1st Quarter 2008 Citywide CSO Progress Report and Milestones

One milestone was successfully completed in the first quarter of 2008 consistent with the modified CSO Consent Order:

- Notice to Proceed to Construction for the contractor selected for sewer cleaning in Jamaica Bay. The milestone is in the order for this activity is June 2008; it was achieved January 2008

Milestones that NYCDEP has identified for consideration of potential modification include:

- Construction Completion of Paerdegat Basin foundations and substructures
- Construction Completion of Flushing Bay mechanical structures
- Initiation of design for an expansion of wet weather capacity at the Jamaica WPCP
- Final Design Completion and Notice to Proceed to Construction for the Jamaica Tributaries Destratification Facility
- The submittal of an approvable Long Term Control Plan for Coney Island Creek
- The submittal of an approvable Long Term Control Plan for Open Waters
- The submittal of an approvable Long Term Control Plan for Gowanus Canal
- The submittal of a drainage plan for storm sewer build out, Laurelton and Springfield Boulevard.

Three milestones are to be met in the coming quarter:

- The milestone for Final Design Completion (including CPM analysis) for the Newtown Creek Throttling Facility is June 2008. This milestone was achieved December 2007
- The milestone for Notice to Proceed to Construction for 26th Ward drainage area sewer cleaning and evaluation is June 2008. This milestone has been achieved; the DEP's presentation stated it was achieved December 2007; Sue McCormick clarified it was achieved January 2008.
- The milestone for Notice to Proceed to Construction for Hendrix Creek dredging is June 2008. The DEP has submitted a request to modify this milestone so the scope of the contract can be modified to accommodate design revisions to the dredge cap by DEC

3. Status of Specific Consent Order Projects

A Shellbank Basin Destratification

The destratification pilot facility is currently online and DEP intends to continue to operate it seasonal until the permanent facility is completed. Additional water quality data was requested by DEC. DEP sampling to collect the requested additional data will commence by the end of the month. Sue McCormick asked when a sampling plan would be available for DEC review; Dorothy Chao stated the plan would be transmitted soon. Keith Mahoney (NYCDEP) noted the only task holding up initiation of sampling is approval of a Health and Safety Plan. DEP noted that all subsequent milestones are contingent upon DEC permit approval, and a modification to these milestones is necessary.

B Paerdegat Basin Foundations/Substructures

The 4B contractor was defaulted by the DEP on December 6, 2007. DEP is working with the identified surety agent to discuss remaining work items, and the surety is to receive bids on the remaining 4B work later this month. Ray Meskati stated that bids are due May 23, and DEP would expect the surety to take roughly a month to make a determination assuming acceptable bids are received. Gary Kline (NYSDEC) asked how DEP integrates boilerplate City requirements (such as health and safety, insurance, etc) into contracts assigned via the default process; Mike Borsykowsky stated that what the surety is administering is the assignment of an existing City contract, so the new contractor will ultimately be working for DEP. Elizabeth Rogak (DEP Legal) stated the surety's intent is to split the remaining work into three sections. Sue McCormick asked about the DEP's risk of not meeting the February 2009 construction completion milestone. DEP acknowledged there is some risk given the underlying uncertainty of the default process. Mike Borsykowsky noted that how the surety was packaging the remaining work transferred much of the risk onto the bidders, so a repackaging (and rebid) may be necessary to get acceptable contract prices. The DEP is entitled to veto a contractor selected through the surety process, although DEP noted that some of the contractors on the surety's solicitation list are acceptable to the City.

Sue McCormick noted that Contract 5 is currently slipping day-for-day. Mike Borsykowsky stated the City is hopeful a Certificate of Occupancy can be obtained in an expedient manner, which would free up a lot of downstream critical path work to

start. Gary Kline requested a schedule analysis including completion of Contracts 4B and 5 once the surety process (and schedule) of 4B are finalized.

C Jamaica WPCP Wet Weather Expansion

DEP is finalizing the technical justification for what it believes to be a more cost-effective alternative to the plant expansion in the June 2007 Jamaica Bay & CSO Tributaries WB/WS Plan. DEP is targeting an end of month submittal to DEC. Gary Kline noted that the DEC is not technically satisfied with what DEP has provided to date, and these discussions have lingered since November without formal DEP submittal of a technical justification. Jim Mueller noted the submittal is imminent and will provide much greater detail for DEC review.

Scott Crisafulli (DEC Legal) asked if there would be any integration of the Jamaica WPCP wet weather expansion and the Comprehensive Jamaica Bay Water Quality Plan; DEP stated it would address these issues separately. Gary Kline noted that DEC's efforts through technical discussions the last nine months was to look for holistic solutions to water quality issues; Jim Mueller noted the White Paper summarizing the revised Comprehensive Jamaica Bay Water Quality Plan has not fallen apart, it has just taken longer than expected, and that commissioner-level discussions have taken place between the two agencies.

Elizabeth Rogak confirmed that DEP was not proceeding with the intent to meet the design start milestone for the wet weather expansion given an alternative design is in the midst of being proposed. This proposed alternative design is consistent with ongoing technical discussions between the agencies.

4. Force Majeures

A force majeure was identified for the Alley Creek facility due to unanticipated subsurface conditions. The contractor has not started the work, but has expressed a willingness to do it. Ray Meskati stated that the work is scheduled to begin mid June. Sue McCormick asked why DEP considers this a Force Majeure, given DEC is in receipt of an email from a DEP employee requesting resolution of this issue via an emergency contract. Mike Borsykowsky explained that an emergency contract was one of many options DEP considered to resolve this situation, but due to the nature of the work and cost consideration, a change order is the only viable option.

A force majeure was identified via a December 2007 letter for unanticipated subsurface conditions and the discontinuation of equipment by a manufacturer for the Inner Harbor Inline Storage project. Specifically, the manufacturer is no longer producing the specified dam. The contractor had to reroute ConEd lines, which was also unanticipated. The design of the dam was modified, and shop drawings for a substitute manufacturer are currently under review.

On the Outer Harbor throttling facility, a Notice of a Force Majeure event was transmitted November 2007 due to unanticipated subsurface conditions. Unanticipated excessive groundwater required additional wells. Kevin Clarke (NYCDEP) stated that

DEP was working with the Contractor to solve the problem, as the Contractor was very inexperienced with this type of work.

On the Meadowmere and Warnerville DWO abatement, Scott Crisauli noted that DEC has responded to all DEP correspondence. Kevin Clarke confirmed receipt and noted DEP owes DEC a response to its April 29 letter.

5. Modification Requests

The modification request to extend the milestone for submittal of the Laurelton and Springfield Boulevard drainage plan from January 2008 to May 2008 to allow for changes due the recent rezoning of south Jamaica, has been approved by DEC.

On the Hendrix Creek dredging, DEP submitted a modification request based on a request by DEC to change the cap design. DEC stated it had not received revised plans and specifications of the work to review. Keith Mahoney stated he signed off on the plans and specifications two weeks ago and would follow up and provide DEC the documents shortly. Sue McCormick noted Steve Zhan (NYSDEC Marine Services) had outstanding concerns about the scope of post construction monitoring, and wanted to see bathymetry and core samples included. The email detailing what NYSDEC is looking for in the DEP's post construction monitoring was transmitted two days prior; DEP was not yet in a position to comment.

On Shellbank Basin, a modification will be requested to account for the DEC request for additional water quality data during the summer of 2008 to support a decision on the permit application. Sue McCormick asked how much additional time would be needed to bid the project; Dorothy Chao stated a best approximation would be 18 months after the permit is finalized. DEP will continue to track this issue.

On Newtown Creek, a productive technical discussion was held the day prior, and it a conceptual technical agreement was reached on major program elements, pending executive review from both agencies. A technical justification and modification request will be submitted by DEP in approximately six weeks.

6. NYSDEC Permit reviews

- Hendrix Creek: The original permit was submitted June 2007; the last round of DEP responses to DEC comments was submitted March 2008.
- Dewatering for Avenue V Force Mains: DEP is developing a Long Island Well Permit and a SPDES permit application. Kevin Clarke noted the Contractor is submitting a finalized dewatering plan tomorrow.
- Shellbank Destratification: Additional dissolved oxygen (DO) and temperature data requested by DEC will be collected this summer.

- Paerdegat Basin Dredging: Sue McCormick confirmed receipt of Mike Borsykowsky's letter on this issue.
- Gowanus: Kevin Clarke stated that an oxygenation system is intended to be installed when Flushing Tunnel is offline during construction. DEP is concerned that boat traffic could damage aeration equipment if it were placed in the canal, so DEP is developing a system that removes water from the canal, supersaturates it with oxygen, and returns it to the canal at 50 foot increments. DEP will get DEC more technical information so this system can be evaluated.
- English Kills Habitat Study: A DEP letter on this issue will be transmitted tomorrow.

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

DEP reiterated their request that DEC prioritize their review of WB/WS plans so that those with upcoming milestones get addressed first. DEP has received comments from DEC on Jamaica Bay and Gowanus Canal. Flushing and Newtown Creek comments are likely in the next 30-45 days. A technical meeting to go through DEC comments is pending.

8. Status of CSO Consent Order Modifications

DEC is in receipt of a DEP check funding the CSO Consent Order Modification Civil Penalty of 1 Million Dollars. DEC is in the process of working out issues related to the establishment of the Escrow Account for the deposit of the Four Million Dollar Environmental Benefit Fund.

9. NHT

Both DEP and DEC expressed frustration that funds are tied in the NHT and currently have not been utilized. DEC suggested transferring this money to the Hudson River Foundation. DEP did not have an immediate issue with DEC's proposal, but needed to review and discuss with senior management.

10. Miscellaneous

Sue McCormick asked how DEC could get updated information on the construction of 26th Ward sewer cleaning and SCADA. Elizabeth Rogak stated that DEP's goal was to provide DEC with a single point of contact per project, so she should contact Dorothy Chao even if some of the information would ultimately be provided by BWT.

On the Outer Harbor Fixed Regulators Certificate of Construction Completion, Peter Young (Hazen and Sawyer) would be providing the required documentation shortly.

On the Rockaway Sewer Project, the needed information is being routed through the various bureaus of DEP for acceptance prior to transmittal to DEC.

On Flushing Bay tank operations, DEC transmitted two letters (dated March 1 and 13) requesting additional information. DEC will go through Dorothy Chao as the point person for these requests. DEC also requested a tour at the facility, which will be scheduled.

On the topic of public meetings, both DEP and DEC agreed that the agencies should share presentations, anticipated speaking topics, opening statements, etc, in advance of the meeting so that neither agency is caught off guard. Jim Mueller requested DEC send him a letter with what DEC is looking for with the format and content of public meetings.

The next quarterly meeting is scheduled for August 21, 2008 at the Newtown Creek WPCP.

NYSDEC/NYCDEP Quarterly CSO Consent Order Meeting
Wednesday, May 14, 2008

Paerdegat Basin CSO CM Trailer
1887 Ralph Ave (Flatlands Ave & Ralph Ave)
Brooklyn, NY 11234
10:00 AM

AGENDA

- 1) Review of Previous Quarterly Meeting Minutes
- 2) Discussion of 1st Quarter 2008 Citywide CSO Progress Report and Milestones
- 3) Status of Specific Consent Order Projects
 - a. Paerdegat Basin Foundations/Substructures
 - b. Shellbank Basin Destratification
 - c. Jamaica WPCP Wet Weather Expansion
- 4) Force Majeure
 - a. Alley Creek CSO Retention Facility
 - b. Inner Harbor In-Line Storage
 - c. Outer Harbor Throttling Facility
 - d. Meadowmere & Warnerville DWO Abatement
- 5) Modification Requests
 - a. Laurelton and Springfield Blvd. Sewer Buildout -approved
 - b. Hendrix Creek - submitted
 - c. Shellbank Basin –pending
 - d. Newtown Creek - pending
 - e. Jamaica WPCP Wet Weather Expansion – pending
- 6) DEC Permits
 - a. Hendrix Creek Dredging Approval Status
 - b. Dewatering for Ave V Force Mains
 - c. Shellbank Destratification
 - d. Paerdegat Basin Dredging
 - e. Gowanus
 - f. English Kills Habitat Study
- 7) Status of DEC Reviews of WB/WS Reports and Resource Planning
- 8) CSO Consent Order Modification
 - a. Funding
 - b. Approval

9) NHT Funds

10) Miscellaneous

- a. 26th Ward Sewer Cleaning and SCADA construction info.
- b. Outer Harbor Fixed Regulators Certificate of Construction Completion
- c. Rockaway Sewer Project information
- d. Flushing Bay Tank Operations

Next Quarterly Meeting: August 12th; Location – TBD