



**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 – Fourth Quarter 2007



January 2008



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax (718) 595-3525
elloyd@dep.nyc.gov

Steven W. Lawitts
First Deputy
Commissioner

Tel. (718) 595-6576
Fax (718) 595-3557
slawitts@dep.nyc.gov

January 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 October 1 through December 31, 2007.

Also enclosed are the meeting minutes from our November 13th, 2007 CSO Quarterly Meeting held at Hunts Point WPCP. Our next Quarterly Meeting is scheduled for February 12th, 2008.

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

Very truly yours,

James G. Mueller, P.E.
Director
Facilities Planning and Design

JGM:dc
Attachments



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and Services for NYC

Copy to:

Sandra Allen
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

Selvin Southwell, P.E.
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
Albany, NY 12233

DEP: R. Levine, E. Rogak, D. Hammerman, A. Spangel, M. Osit, K. Clarke, R. Marandi, R.
Meskati, 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
FOURTH QUARTER 2007
(October 1 – December 31)

January 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 October 1, 2007 to December 31, 2007.

Critical Events This Quarter:

Four critical events occurred this quarter:

- 1) On December 6, 2007, the DEP declared the Paerdegate Basin 4B contractor (Foundations and Substructures work) to be in default of the contract based upon the contractor’s failure to proceed with the work.**
- 2) In mid-November 2007, the DEP issued a registered letter to the NYSDEC regarding a Notice of Force Majeure for the Alley Creek CSO, Abatement Facilities Phase I, Stage 2, for stoppage of all construction activities on Contract ER-AC2 due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone.**
- 3) DEP submitted a Notice of Force Majeure in November 2007 to NYSDEC for the Outer Harbor CSO, Phase II Throttling Facility due to an unanticipated subsurface condition encountered by the contractor.**
- 4) DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC for the Inner Harbor CSO, In-line Storage due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer.**

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 (October 2007 - December 2007)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	CONSENT ORDER MILESTONE DATE	DATE MILESTONE WAS ACHIEVED
Outer Harbor	Regulator Improvements - Automation	Notice to Proceed to Construction	November 2007	November 2007
Inner Harbor	Regulator Improvements - Automation	Notice to Proceed to Construction	November 2007	November 2007
Jamaica Tributaries	Regulator Improvements- Automation	Notice to Proceed to Construction	November 2007	November 2007
Newtown Creek	Throttling Facility	Final Design Completion including CPM Analysis	June 2008	December 2007
Jamaica Tributaries	Destratification Facility	Final Design Completion including CPM Analysis	December 2007*	December 2007
Flushing Bay	Two-times DDWF at Tallman Island WPCP	Initiate Final Design	December 2007*	December 2007

*Proposed 2007 Modified CSO Order Milestone

Table 2 – Milestones to be Considered for Potential Modification

LOCATION / PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	REASON FOR POSTPONMENT
Paerdegat Basin	Foundations and Substructures	Construction Completion	Revised Date in Proposed Modification to Order
Flushing Bay	Mechanical Structures	Construction Completion	Force Majeure
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Initiate Design	Revised Date in Proposed Modification to Order
Jamaica Tributaries	Destratification Facility	Final Design Completion Including CPM Analysis & Notice to Proceed to Construction	Siting Issues
Coney Island Creek	LTCP Development	Submit Approvable LTCP	Revised Date in Proposed Modification to Order

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on November 13, 2007. The meeting was held at the Hunts Point WPCP in the Bronx 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 January 2008 and March 2008:

- ◆ Hold the next Quarterly Progress Meeting between DEC and DEP on February 12, 2008 in New York City.
- ◆ Execute the negotiated modification to Consent Order to modify milestones included in Table 2.
- ◆ Submit written notification to DEC on the following upcoming milestones:

Table 3 – Milestones to be Met Next Quarter (January 2008 - March 2008)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	DATE TO BE SUBMITTED
Outer Harbor	Drainage Basin Specific LTCP for Open Waters	Submit Approvable LTCP for Open Waters	January 2008 ⁽¹⁾
Inner Harbor	Drainage Basin Specific LTCP for Gowanus Canal	Submit Approvable LTCP for Gowanus Canal	January 2008 ⁽¹⁾
Jamaica Tributaries	Laurelton and Springfield Blvd.	Submit Drainage Plan for Storm Sewer Buildout	January 2008

(1) Consent Order date to be modified under proposed 2007 Modified CSO Order

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	33%	12%
Outer Harbor	Regulator Improvements - Fixed Orifices	Feb 2006	Jul 2008	76%	99%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	3%	<1%
	Port Richmond Throttling Facility	Jun 2006	Dec 2008	60%	54%
Inner Harbor	Regulator Improvements - Fixed Orifices	Feb 2003	Apr 2006	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	3%	<1%
	In-Line Storage	Aug 2007	Aug 2010	11%	10%
Paerdegat Basin	Influent Channel	Feb 1999	Feb 2002	100%	100%
	Foundations and Substructures	Jun 2002	Dec 2006	100%	97%
	Structures and Equipment	Sep 2005	Aug 2011	38%	64%
Flushing Bay	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	100%	100%
	Relocate Ballfields	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	Mar 2006	Mar 2009	58%	50%
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	-	-
	Destratification Facility	Aug 2007	Dec 2008	25%	0%
	Regulator Automation	Nov 2007	Jun 2010	3%	<1%
Coney Island Creek	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	38%	35%
	Avenue V Force Main	Jul 2007	Jun 2012	8%	3%
Newtown Creek	Aeration Zone I	Dec 2005	Dec 2008	67%	28%
	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	-	-
	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 construction of the foundation for the DOT cantilevered sign on Northern Boulevard for re-installation of the existing sign, successfully performing the tide gate leakage test, decommissioning the dewatering system, and planting of trees within the southwest area of the Northern Boulevard/Cross Island Parkway Interchange, construction of the Old Douglaston Pumping Station (ODPS) force main chamber, miscellaneous cleanup and restoration work, and punch list items.**

Construction of Contract ER-AC1 is currently about **97** percent complete and 100 percent of the Consent Order related work has been completed.

- ◆ 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.
- ◆ **In early October 2007, DEP submitted a letter to the NYSDEC requesting a time extension for NYSDEC Permit No. 2-6303-00099-00001, 3 from December 31, 2007 to June 2010.**
- ◆ **Based on comments provided by the NYSDEC, the Alley Creek Wet Weather Operating Plan (WWOP) was modified, and submitted to the NYSDEC in mid-October 2007.**
- ◆ **Substantial completion of Contract ER-AC1 (Milestone No. 4) was November 6, 2007. The consent ordered work (Milestone No. 3) was completed in December 2006.**
- ◆ **The Alley Park Environmental Restoration Monitoring Plan was finalized and submitted to the NYSDEC in mid-December 2007 for approval.**
- ◆ **Construction progress meetings were held on October 5, 2007, November 2, 2007 and December 7, 2007 at the Engineer’s field office.**
- ◆ **An issues and tasks meeting was held on November 30, 2007 at the Engineer’s field office.**
- **Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2**
 - ◆ **Construction phase 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, excavation for the interim pumping station, construction of the temporary nursery for the DPR, 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 12 percent complete.**
 - ◆ **In early October 2007, DEP submitted a letter to the NYSDEC requesting approval of Modification No. 2 to NYSDEC Permit No. 2-6303-00099/00007, 8, 9. The modification includes changes in the alignment and design of the temporary access roadway through the wetlands area south of Northern Boulevard, an increase in the quantity of trees to be removed, deletion of the truck turnaround area and addition of upland mitigation outside of the pumping station fence line, changes in the design of the rehabilitated headwall and wingwall structures for existing Outfall TI-008, and a change in the location of the Engineer’s Trailer Complex to an area outside of the wetland area. In late October 2007, the NYSDEC submitted a letter to DEP indicating the permit has been modified to incorporate the requested changes.**

- ◆ **On October 29, 2007, a meeting was held at the Engineer's field office for Contract ER-AC1, between representatives of DEP and the Engineers, to discuss the design/alignment of the temporary roadway through the wetlands area south of Northern Boulevard to be constructed for access to existing Outfall TI-008, and for use to create/restore the wetlands.**
- ◆ **On November 15, 2007, a meeting was held at the site of the Old Douglaston Pumping Station, between representatives of DEP and the Engineers to discuss details regarding the installation/removal requirements for the SCUBA actuators to be provided for the cone valves.**
- ◆ **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 Contract ER-AC2 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. 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.**
- ◆ **In mid-December 2007, DEP obtained approval for a time extension for the New York City Department of Small Business Services permit. The permit has been extended to January 7, 2009**
- ◆ **In early November 2007, the Materials Classification Report for Contract ER-AC2 was completed.**
- ◆ **Construction progress meetings were held on October 5, 2007, November 2, 2007 and December 7, 2007 at the Engineer's field office for Contract ER-AC2.**
- ◆ **An issues and tasks meeting was held on November 30, 2007 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 of Contract ER-AC1 will continue. The principal work will include the re-installation of the DOT cantilevered sign on Northern Boulevard, miscellaneous cleanup, site restoration work, and punch list activities.**
 - ◆ **The Alley Park Environmental Restoration Monitoring Plan will be approved by the NYSDEC.**

- ◆ **Construction closeout activities will continue including finalization and registration of contract change orders for work completed by the Engineer which was not included in the original contract.**
- ◆ Implementation of the post-construction erosion monitoring plan for the CSO storage facility and new outfall will continue.
- ◆ Monthly construction progress meetings and bi-monthly issues and tasks meetings will be held at the Engineer's field office.
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ **Construction of Contract ER-AC2 will continue. The principal work will include providing the Engineer's field office, 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 modification to Contract ER-AC2 to revise the alignment of the temporary timber mat access roadway to existing Outfall TI-008 will be approved by the NYSDEC.
 - ◆ The monitoring plan for the wetland/upland areas to be created/restored under Contract ER-AC2 will be approved by the NYSDEC.
 - ◆ Monthly construction progress meetings and bi-monthly issues and tasks meetings will be held at the Engineer's field office.
 - ◆ **Change orders to Contract ER-AC2 for work to be performed by the Engineer, which is not included in the original contract, will continue to be prepared and processed. Shop drawings, RFIs, etc. are submitted and responded to.**

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 area surrounding CSO Outfall TI-008
Cost:	\$98,612,956	\$29,929,929
Status:	Under construction by Carp Construction Corporation, 100% complete with CSO Order related construction, 97% complete with all construction activities.	Under construction by Carp Construction Corporation, 12% 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
 - ◆ **DEP provided a certification of the Notice to Proceed to Construction milestone related to the regulator automation work. This certification was made in November 2007 in compliance with the Order.**
- Phase I Regulator Improvements
 - ◆ Continued shop drawing reviews and RFI responses. **Contractor (Delaney) has substantially completed construction activities.**
 - ◆ **Monthly construction progress meetings were held on 10/2, 11/13, and 12/04.**
- Phase II Throttling Facility
 - ◆ Continued shop drawing reviews and RFI responses
 - ◆ **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.**
 - ◆ **The initial dewatering wells drilled by the contractor were abandoned due to loose/wet subsurface conditions below approximately the depth of 25 feet, which rendered the wells unusable. The contractor filled the wells in and proceeded with a new subcontractor using a different method to drill 4 more smaller-diameter (18”) wells. The dewatering well drilling activities are continuing, and pumping activities are being tested as the wells are put in place – however, it is likely that there will be**

delays to the project schedule and completion due to these unforeseen field conditions.

- ◆ **Monthly construction progress meetings were held on 10/2, 11/13, and 12/04.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Construction

- Regulator Automation
 - ◆ **Initiate construction activities**
- Phase I Regulator Improvements
 - ◆ **Proceed with final reviews and approvals of outstanding shop drawings and O&M manuals for final acceptance. Assemble final change order to address all outstanding construction pay items.**
- Phase II Throttling Facility
 - ◆ **Continue to address DSDC activities for the ongoing construction. Contractor to continue main pit excavation activities and installation of dewatering system.**

Table 6 – Outer Harbor CSO Project

	<i>Phase I</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	Throttling Facility	In-Line Storage	Regulator Improvements – Automation
Location:	32 regulator sites throughout Brooklyn and Staten Island	Port Richmond WPCP	Owls Head: OH-6C P. Richmond: PR-6W	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	Installation of two inflatable dams in the combined sewer system	Conversion to automated regulators
Construction Cost:	\$4,390,100	\$3,850,000	-	\$2,842,000
Status:	Construction 99% complete.	Construction 54% complete.	Eliminated due to hydraulic issues.	NTPC granted in November 2007
Other Issues:	-	Force Majeure submitted to DEC in November 2007.	DEC approved elimination of this phase of work in a letter dated October 28, 2005 (DiMura to Mueller) based on hydraulic analysis conducted by DEP.	-

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. The discharge permit was approved by DEP the Contractor is waiting for BWSO approval.**

Construction

- Regulator Automation
 - ◆ **DEP provided a certification of the Notice to Proceed to Construction milestone related to the regulator automation work. This certification was made in November 2007 in compliance with the Order.**
- 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
 - ◆ **The Contractor started construction. Some activities completed this quarter include installation of the temporary facilities, public utility investigation at both sites. Excavation started at the B-6 site.**
 - ◆ **The Contractor encountered unexpected utility obstruction at the R-20 site. ConEd was informed; they are looking into the possibility of relocation of these utilities. The design is also been evaluated by DEP accommodate to the obstructions encountered.**

- ◆ **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.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- In-line Storage
 - ◆ **Continue work on the Long Island Well permit.**

Construction

- In-line Storage
 - ◆ **Continue construction activities. Start negotiations for change order number one. Evaluate equipment for the approved vendor for the inflatable dams. Investigate possibilities of design changes to the R-20 site to satisfy groundwater cut-off system.**

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	Bids Received, budget modification obtained from OMB
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 continued and is approximately 97% complete.

On December 6, 2007, the Department declared the contractor to be in default of the contract based upon the contractor's failure to proceed with the work as directed; reduction of workforce to a number insufficient to complete the work; unreasonably and willfully delaying the performance and completion of the work; violating, in bad faith, the terms of the Contract. The default was made pursuant to Article 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract.

- **Phase III - Superstructures and Equipment**
 - ◆ Construction work has continued and is approximately **64%** complete.
 - ◆ **The 5G Contractor continued to install masonry blocks, 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 wet and dry fire suppression systems in the CFS and PBB; continued work activities for the Five (5) Barrel Influent Channel; continued installation of RCP site drainage on the CSO Tank Roof; continued installation of windows, louvers, stainless steel and aluminum doors and frames in the PBB, OCB and SB; continued installation of Activated Carbon Odor Control Units and steel framing in the OCB; Stop Logs in the SB and CSO Tanks and acoustical ceiling tiles in the CFS. The Contractor also completed planting on the tank roof and around the CFS Building and began the 18 month maintenance guarantee.**
 - ◆ **The 5E Contractor completed installation of two low voltage switchgears in the PBB and 4 MCC's in the PBB, OCB and CFS; continued terminating conductors for, telephone and intercom in the CFS and PBB; continued installation of lighting fixtures in the CFS and PBB; continued installation of the lightning protection and grounding systems; continued installation of conduit and conduit racks in the CSO Tank Corridor, PBB and OCB. Contractor also powered up the temporary generator for all contracts to perform testing of mechanical equipment in the CFS.**
 - ◆ **The 5H Contractor continued installation of concrete anchors, hanger rods, and stainless steel ductwork in Tank No. 2; continued installation of stainless steel ductwork in the CSO Tank Corridor; 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 and OCB; continued installation of various pieces of mechanical equipment in the PBB, OCB and SB. Contractor also began providing temporary heat in the CFS; performed air and water balancing in the CFS and completed preliminary testing of mechanical equipment in the CFS.**
 - ◆ **The 5P Contractor continued installation of sanitary, storm drain and city water piping in the OCB and SB, completed installation of mechanical equipment in the CFS Building and completed installation of fixtures in the CFS Building. Contractor also began performing punchlist work in the CFS Building.**

Postponed Milestones

- ◆ A written notice of a Request for Modification of a Milestone Date was submitted to DEC on October 31, 2006. NYCDEP requested modification to the current completion date of December 2006 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4. Construction Completion to be modified to February 2008. This modification is based on the Contractor's poor performance and does not affect the final Construction Completion Milestone date of August 2011 under the subsequent phase, Structures and Equipment.
- ◆ DEC issued a Notice of Violation (NOV) on January 26, 2007 for a missed milestone set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4. Construction Completion by December 2006. The NYC Law Department responded to the NOV in a letter dated February 22, 2007 (Plache to Crisafulli). DEP and DEC Legal continued negotiations to modify this milestone date. **An amendment to this milestone is part of the negotiated 2007 CSO Order Modification.**

Anticipated Activities for Next Quarter

Construction

- Phase II - Foundations and Substructures
 - ◆ **Under the terms of the Performance Bond, Travelers/United States Fidelity and Guaranty Company has agreed in its bond, "to fully perform and complete the Work to be performed under the Contract, pursuant to the terms, conditions, and covenants thereof, if for any cause, the Principal fails or neglects to fully perform and complete such Work." The Department met with the contractor's Surety on December 12, 2007, where the Surety was apprised why the contractor was held in default and to familiarize them selves with the remaining work to be completed.**
- Phase III - Superstructures and Equipment
 - ◆ Work will continue on the construction in order to meet the milestone date for Construction Completion Date by August 2011.
 - ◆ **The 5G Contractor will complete punch list masonry work and ceramic tiles in the CFS and continue installation in the PBB, OCB and SB; complete punch list work on the windows, stainless steel and aluminum doors in the CFS and continue installation in the PBB, OCB and SB; will continue installation of fire protection sprinkler system in the PBB, OCB and SB; will continue installation of Stainless Steel Structural Batten Seam Roofing on the PBB, OCB and SB; will continue painting walls and piping in the PBB, OCB and SB; will complete installation of Service Water System in the PBB and OCB. Contractor will also continue testing of various pieces of mechanical equipment in the CFS, perform final system test of the**

fire protection sprinkler system in the CFS for the FDNY and perform training of DEP personnel on various pieces of equipment in the CFS.

- ◆ **The 5E Contractor will energize the Low Voltage Switchgears and the CFS MCC; continue installation of RGS conduit, conduit racks and sleeves in the PBB, OCB and SB; continue installation of card reader junction boxes in the PBB, OCB and SB; continue installation of security systems and site lighting; complete installation of telephones and equipment for the telemetry room in the CFS; will pull and terminate conductors from various pieces of equipment to the PBB and OCB MCCs; complete installation of electrical concrete duct banks in the yard area; begin installation of the emergency generator in the PBB. Contractor will also begin training DEP personnel on various pieces of equipment in the CFS and PBB.**
- ◆ **The 5H Contractor will 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, insulation and fire stopping in the PBB, OCB, and SB. Contractor will also perform preliminary testing of various pieces of HVAC equipment in the PBB, OCB and SB; perform hydrostatic leak tests, dye test and x-ray test on piping in the CSO Tanks, CSO Tank Corridor, CFS, PBB, OCB and SB. Contractor will also complete air and water balancing in the CFS; complete testing of various pieces of HVAC equipment in the CFS and continue providing temporary heating for one (1) heating cycle. Contractor will also begin training DEP personnel on various pieces of equipment in the CFS.**
- ◆ **The 5P Contractor will complete insulation of various piping in the CFS, PBB and OCB and continue in the SB; will complete installation of piping and hangers in the OCB and SB; complete flushing of all piping in the CFS and perform preliminary and final testing of washers, dryers and electric water coolers in the CFS. Contractor will also 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	\$184,247,332
Status:	Construction completed.	NTP issued on 6/24/02. Construction 97% complete.	NTP issued on 9/26/05. Construction 64% 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 requested modification to the current completion date of December 2006 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 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 is being 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.
- Recreation and Maintenance Building:
 - ◆ **Completed installation of architectural finishes including flooring, wall coverings and ceilings.**
 - ◆ Completed the installation of doors.
 - ◆ Completed Gymnasium floor and Dance Studio floor.
 - ◆ Started running track surface.
 - ◆ Completed painting in NYCDPR facilities
 - ◆ Continued Sprinkler Systems throughout facilities
 - ◆ Continued the installation of Elevator No. 3.
 - ◆ **Progressed on Electrical and HVAC systems at NYCDPR facilities**
- Screening Building
 - ◆ Started plant operations on May 17, 2007.
 - ◆ Continued the installation of stainless steel handrails.
 - ◆ Continued equipment check-out, **start up and training**
 - ◆ Continued equipment maintenance.

- CSO Facility
 - ◆ Started up facility operations on May 17, 2007.
 - ◆ Continued the installation of control and power cables to various field instruments.
 - ◆ Electrical change order was registered and work begun to startup Scrubber System and Full automation of plant systems
 - ◆ Continued the installation of the sprinkler system piping and sprinkler head pressure testing
 - ◆ Cleaned secondary wet well of accumulated grit and started operation of secondary pumps
 - ◆ Progressed on the of service elevators
 - ◆ Started air balancing throughout facility
 - ◆ Completed instrumentation and control for bulkhead gate chamber gates and outfall flow metering
 - ◆ Continued modifications to the fire alarm control panel.
- Regulator No. 9, Junction Chamber and Triple Barrel Outfall
 - ◆ **Installed flow monitoring devices and panels at Regulator 9 and Triple Barrel CSO outfall. Completed antenna system for monitoring and control.**

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.

Anticipated Activities for Next Quarter

- Site Work:

- ◆ Complete the installation of gate controls and security systems.
- ◆ Obtain certificate of occupancy.
- Recreation and Maintenance Building:
 - ◆ Complete the installation of the sprinkler and fire alarm, telephone and building security systems.
 - ◆ Complete the installation of Elevator No. 3.
 - ◆ Complete the installation of the curvature ceiling.
 - ◆ Complete running track.
 - ◆ Turn facility over to NYCDPR.
- Screening Building
 - ◆ Complete monorails.
 - ◆ Complete installation of hand railings.
- CSO Facility
 - ◆ **Obtain chemical bulk storage permits**
 - ◆ Continue the installation of control cables and perform terminations in control panels and at field instruments.
 - ◆ Continue start-up and vendor check-out of equipment as they are commissioned
 - ◆ Complete Automation Instrumentation and controls to Tallman island control room
 - ◆ Start up Scrubber system
- Regulator No. 9
 - ◆ Commission instrumentation, flow sensors, RTU, power and control panels.
- Regulator No. 11 and Junction Chamber
 - ◆ Complete instrumentation.

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:	Phase 2 construction started March 2002 and is on-going. Milestone to accept flow, store and pump to Tallman Island WPCP was met on 5/17/07
Other Issues:	<p>Damage to mechanical, HVAC and electrical equipment due to a major storm on September 8, 2004 which caused flooding in the facility and delays to construction.</p> <p>Contract change orders for additional work are in progress.</p> <p>Repair to Scrubber vessels due to non conformance by manufacturer has delayed treatment and completion.</p> <p>Change Order to instrumentation and control of odor control system has delayed start up of the air treatment system and registration of the chemical storage tanks</p>

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 7 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

- ◆ **Additional information was sent to DEC to complete the joint permit on November 12, 2007. A letter was received in response with a notice of incomplete application on December 4, 2007.**
- ◆ **A response to the Army Corps of Engineers' comments was prepared and sent on December 10, 2007.**
- **Drainage Plan**
 - ◆ **BWSO and its consultant continued the preparation of a drainage plan for southeast Queens.**

Design

- **Destratification Facility**
 - ◆ **Design meetings were held in November and December**
 - ◆ **Final approval for the project was received from the Art Commission.**
 - ◆ **A final design package was sent to the DEC. Approvable plans, specifications, and a preliminary CPM schedule diagram were enclosed for review. The Destratification Facility design plans and specifications were modified and supersede the final design submittal of October 2006. Modifications to the design included relocating the facility to an alternate site, changed architectural features to accommodate NYC Arts Commission review, and a revised method for installation of the carrier pipe**
- **Expansion of Wet Weather Capacity of the Jamaica WPCP**
 - ◆ **DEP has identified a more cost-effective alternative for CSO reduction that is documented in the Jamaica Bay and CSO Tributaries Waterbody/Watershed Plan, submitted to DEC on June 30, 2007.**

Construction

- **Regulator Automation**
 - ◆ **DEP provided a certification of the Notice to Proceed to Construction milestone related to the regulator automation work. This certification was made in November 2007 in compliance with the Order.**
- **Meadowmere/Warnerville**
 - ◆ **Continued DSDC activities for the Meadowmere & Warnerville project. Construction site meeting were held on 10/10, 11/14, 12/12. Construction is 50% complete.**
 - ◆ **Contractor has continued pumping station foundation and structural work, sewer work in the communities and on Brookville Boulevard, and HDD force main work.**
 - ◆ **A meeting with DEP, the Engineers, and NYSDOT was held on 10/3 at DOT's LIC office to discuss steps required to acquire the street work permit associated with microtunneling activities on Rockaway Boulevard.**

- ◆ **Meeting with DEP, the Engineers, and NYCDOT meeting was held on 12/20 at 40 Worth St. office in Manhattan to continue process to secure the street work permit associated with microtunneling activities on Rockaway Boulevard.**
- ◆ **Meeting was held on 11/07 at site to discuss soil disposal issues. Present at the meeting was DEP, the Engineers, and soil sampling/lab subconsultants.**

Anticipated Activities for Next Quarter

Design

- **Destratification Facility**
 - ◆ **Review specifications in preparation for legal review and bid package.**
 - ◆ **Schedule conference call with DEC to finalize permit.**

Construction

- **Meadowmere/Warnerville**
 - ◆ **Continue DSDC activities for the continuing construction of the Meadowmere & Warnerville DWO abatement project.**
 - ◆ **Secure NYSDOT permit for street work associated with micro-tunneling activities on Rockaway Boulevard.**

Table 10 – 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 50% 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.	Final design documents submitted. Permit under review by USACE and NYSDEC. Site acquisition in progress.	Drainage planning underway.	Bids received, budget modification approved by OMB

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
 - ◆ **DEP continues the design of the US Army Corps of Engineers, Fort Hamilton pumping station.**
 - ◆ **The modification request was granted by the DEC to increase the flow rate associated with the Long Island Well/Discharge permit.**
- New Force Mains
 - ◆ **The second Issues and Tasks meeting was held for the Force Main construction work.**
 - ◆ **The contractor has made deviation requests.**
 - ◆ **Permits for the street DOT work have been obtained.**
 - ◆ **The Long Island Well Permit is currently being prepared by the PS-79F Contractor. The SPDES permit is currently being prepared.**

Construction

- Avenue V Pumping Station Upgrade
 - ◆ **The wet well extension has continued construction up the top slab.**
 - ◆ **Monthly Progress Meetings were held on the first Monday of each month.**
 - ◆ **Change Order #4, Bypass Manhole Modification is underway.**

Missed Milestones

- ◆ **There are no missed milestones.**

Anticipated Activities for Next Quarter*Construction*

- Avenue V Pumping Station Upgrade
 - ◆ **Completion of the construction of the wet well extension and installing pumps.**
 - ◆ **Complete the change order #4 work**
 - ◆ **Lead abatement work in the Main Building**
- New Force Mains
 - ◆ **Test pits to locate utilities are being dug.**

Table 11 – 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 35% complete.	Notice to Proceed to Construction 3% 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 instream 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 instream 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 awarded and registered a contract with URS Corporation for Engineering Services for St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.

- Phase 1 & 2 Aeration Facilities

- ◆ **The Department awarded and registered a contract for Engineering Services for English Kills Aeration Zone II. A kick-off meeting was held and alternative properties for siting the required blower buildings have been identified.**

Construction

- Phase 1 Aeration Facilities

- ◆ **The construction of the Phase I Aeration Facilities is 28 percent complete. During the quarter, the electrical conduit ductbank that feeds the current transformer was installed in the wrong location. The electrical conduit ductbank was removed and a new ductbank was installed in the proper location.**
 - ◆ 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 is being prepared.**

- ◆ A change order was issued for electrical work affected by the bulkhead realignment. **Change order negotiations were completed with the NC-EK11E contractor for this work.**
- ◆ The site sewer connection application was approved by the DEP on August 3, 2007.
- ◆ A Maintenance and Protection of Traffic (MPT) Plan was submitted to the New York City Department of Transportation (NYCDOT) for review and approval on July 3, 2007. **The NYCDOT approved the MPT Plan on October 26, 2007** The MPT Plan will be used for the installation of the sewers within Grand Street.
- ◆ **With the approval of both the site sewer design and the MPT plan, a change order was issued for the NC-EK11G contractor.**
- ◆ Tracking of vendor approvals for equipment, shop drawing reviews and responses to the contractors' request for information continued for Contracts NC-EK11G, H and E.
- Maximize Flow to Morgan Ave. Interceptor
 - ◆ Kent Avenue Throttling Facility design continued. It has been decided to include construction of this facility under Newtown Creek W.P.C.P. 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 for Kent Avenue Throttling Gate.
 - Continue design of the Regulator B-1 Modifications.
 - Continue design of St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- **Phase 1 & 2 Aeration Facilities**
 - **Continue evaluation of alternative properties identified for require blower buildings.**

Construction

- Phase 1 & 2 Aeration Facilities
 - ◆ Continue tracking vendor approval for equipment Contracts NC-EK11G, H and E. Continue shop drawing review for Contracts NC-EK11H and E. Continue responding to any Request for Information submitted by Contracts NC-EK11G, H and E.
 - ◆ **Prepare response to DEC comments to the Habitat Monitoring Plan.**
 - ◆ **Negotiate Change Order NC-EKG-3 for the site storm sewer work.**
 - ◆ **Installation of the grade base slab, structural steel and metal decking for the Aeration Building.**

♦ **Installation of grounding cable.****Table 12 – 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 minimum of 1.0 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:	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. The final design of the throttling facility will be performed under the Newtown Creek WPCP upgrade contract. Regulator B1 Modifications are being performed under a Task Order Contract.	Construction is 28% complete. A response to the DEC's comments to the Habitat Monitoring Plan is being prepared. Initiated design of the Aeration of Dutch Kills and East Branch under a new Contract NC-EK-IV.	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.
Other Issues:	Requires coordination with WPCP planning and design requirements		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.

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 13 – 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, need 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 November 1, 2007, a meeting was held at the DPR Arsenal offices in Manhattan, between representatives of DEP, DPR, NYC Corporate Counsel and the Engineer, to discuss issues regarding siting of the Bronx River Floatables Control Facilities on parkland at Regulator 27A located in the Bronx Zoo and Regulator 13 located in Soundview Park. Based on this meeting, the Engineer was requested to contact the Borough of the Bronx Topographical Bureau to determine if there are recorded sewer easements between the DPR and DEP at these two regulator sites. In early November 2007, the Engineer made this contact and was informed that no maps were located showing any such sewer easements. Also at this meeting, DEP and NYC Corporate Counsel indicated that a ULURP Application may not be required for the siting of the floatables control facilities, and that a determination as to the requirement for a ULURP Application needs to be made. At present, the draft ULURP Application remains under review by DEP.**
- ◆ **On November 1, 2007, a meeting was held at the DPR Arsenal offices in Manhattan, between representatives of DEP and the Engineer, to review DEP's comments on the draft EAS for the Bronx River Floatables Control Facilities. Based on these comments, the draft EAS continued to be revised.**
- ◆ **The revised Health and Safety Plan (HASP) prepared by the drilling manufacturer for drilling the environmental borings at the floatables control facilities sites was**

reviewed by the Engineer and returned in mid-December 2007 to initiate responses to the comments.

Design

- ◆ Design of the floatables control facilities continued.
- ◆ **On October 12, 2007, a meeting was held at the DEP offices, between representatives of DEP and the Engineers, to review and discuss the 60 percent complete drawings and specifications for the floatables control facilities.**
- ◆ **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 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.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- *Planning*
 - ◆ **DEP to make a determination as to the need for a ULURP Application for the floatables control facilities.**
 - ◆ **The draft EAS for the floatables control facilities will continue to be revised.**
 - ◆ **Aquifer Drilling and Testing, Inc. to revise the HASP to drill the environmental borings at the sites of the floatables control facilities, and re-submit to DEP for review and approval.**
- *Design*
 - ◆ Design of the floatables control facilities will continue.
 - ◆ 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.**

Table 14 – 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 revision; need for ULURP Application for floatables control facilities under review; design of floatables control facilities underway
Other Issues:	EAS for floatables control facilities needs to be completed, approved and Negative Declaration issued; if required , ULURP Application for floatables control facilities needs to be finalized, certified and approved

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 15 – 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 DEP awarded the 26th Ward Drainage Area Sewer Cleaning contract to National Water Main Cleaning Co. on October 12, 2007. A preconstruction conference with National Water Main Cleaning Co. personnel was held on December 17, 2007. The commence work date provided to the contractor by DEP for this project was December 10, 2007. A certification letter will be provided to NYSDEC in the First Quarter of 2008.**
- **Dredging**
 - ◆ **The DEP received comments from the NYSDEC Bureau of Marine Resources regarding the Joint Application Permit. Responses to these comments are currently being prepared.**
 - ◆ **The US Army Corps of Engineers (USACE) Public Notice period associated with the Interim Dredging of the Hendrix Street Canal Project ended October 24, 2007. The USACE received comments from the National Oceanographic and Atmospheric Administration Fisheries Service-Habitat Conservation Division and National**

Resources Defense Council regarding this project. Responses to received comments were prepared by the DEP and submitted to the USACE.

- 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 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

- ◆ **There are no missed milestones.**

Anticipated Activities for Next Quarter

- Dredging
 - ◆ **Respond to comments provided by the NYSDEC Bureau of Marine Resources associated with the Interim Dredging of the Hendrix Street Canal. The DEP anticipates selection of a professional engineering firm to provide construction management services for the Interim Dredging of the Hendrix Street Canal during the first quarter of 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.**
 - ◆ **The barrel leak inspection has been completed. The report was submitted to DEC.**

Table 16 – 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 currently being prepared	Contract documents complete	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility
Project Cost:	\$15 million	\$4.3 million	Estimate Construction Costs: <ul style="list-style-type: none"> ▪ 26W- 13: \$26 million ▪ 26W-20: \$232 million¹ ▪ 26W-22: \$424 million¹ ▪ 26W-23: \$58 million¹ ▪ 26W-24: TBD ¹ Conceptual estimate	\$87 million
Status:	On Schedule.	On Schedule	Final Design Initiated	100% complete
Other Issues:	-	-	-	-

3.13. Citywide Comprehensive Floatables Plan

Work Performed During This Quarter

- ◆ During the **fourth** quarter of 2007, data collection tasks for the pilot floatables monitoring program continued, as did data analysis related to the site-specific investigations conducted in **the first three quarters of the year**. Monitoring data collected by the Harbor Water Quality Survey crews during the reporting period was also incorporated into the program database.
- ◆ The program also **continued** its transition from a pilot phase to a full scale program as scheduled to occur over the course of the fall of 2007. Floatables monitoring activities will be further incorporated into existing programs (listed below) to expand the number of sites monitored.
 - 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.
 - 2) Harbor Water Quality Survey – Floatables monitoring will be incorporated into existing cruise schedules to cover sites in addition to those already monitored as part of the pilot program.
 - 3) Public Participation – Additional volunteer monitoring sites will be added to the sites tested under the pilot program in anticipation of the 2008 monitoring season (i.e., 2008 bathing season).
 - 4) Environmental Benefit Shoreline Cleanup Program – Additional monitoring will be conducted in conjunction with this DEP cleanup program scheduled for the summer of 2008.
- ◆ 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. **A small number of volunteers continued collecting data beyond the bathing season**. Coordination with the Survey Program occurred throughout the **fourth** quarter of 2007.
- ◆ As part of the CSO LTCP project, Waterbody/Watershed reports have incorporated general language describing the floatables monitoring program and the likely inclusion of floatables monitoring as part of the post construction monitoring program for relevant LTCP waterbodies.
- ◆ Overall, the pilot program has met all scheduled completion dates and is on target to transition to a full scale program **in 2008**.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ Continue floatables monitoring program activities, including monitoring by the Harbor Water Quality Survey.
- ◆ **Initiate planning for monitoring by the public participation group (New York City Beach Floatables Survey Program) during the 2008 bathing season.**
- ◆ Continue implementation of the transition of the pilot program to a full scale program.

4.0. Compliance Status

4.1. Unresolved Delays

See **Section 7.0**, Other Issues.

4.2. Compliance Charts

The following table summarizes the milestone dates developed in the draft Consent Order and updates available through September 2007:

Table 17 – 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	12
E. Drainage Basin Specific LTCPs			

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
1.	Submit Approvable Drainage Basin Specific LTCP for Alley Creek	-	6 mos. after approval of I.B.1.	50
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	99
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	<1
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	54
F. In-Line Storage				
1.	Initiate Final Design	July 2005	-	N/A
2.	Final Design Completion Including CPM Analysis	-	Nov. 2006	N/A
3.	Notice to Proceed to Construction	Aug. 2007	-	N/A

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	4. Construction Completion	-	Aug. 2010	N/A
G. Submit Approvable Drainage Basin Specific LTCP for Open Waters		-	Jan. 2008	50
III. Inner 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 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	<1%
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	<1%
F.	Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	Jan. 2008	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

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	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
	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	-	Dec. 2006	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	-	Aug. 2011	64
	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

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
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
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			

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
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
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	Mar. 2006	-	100
4.	Construction Completion	-	Mar. 2009	50
D. Expansion of Wet Weather Capacity of Jamaica WPCP				
1.	Initiate final Design	June 2007	-	-
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	-	Oct. 2006	100
3.	Notice to Proceed to Construction	Aug. 2007	-	0
4.	Construction Completion	-	Dec. 2008	-
F. Laurelton and Springfield Blvd.				

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	1. Submit Drainage Plan for Storm Sewer Buildout	-	Jan. 2008	75
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	<1
H. Drainage Basin Specific LTCPs				
	1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin	-	Aug. 2012	50
	2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin	-	Aug. 2012	50
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	35
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	3
	E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	Sept. 2007	50
VIII. Newtown Creek CSO				
A. Facility Plan Development				

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	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	28
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	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
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
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
3. Submit Form 2A SPDES Application	-	July 2007	-
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	60
3. Notice to Proceed to Construction	June 2009	-	-

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	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
	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

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
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	-
4. Construction Completion	-	June 2010	-
E. Hendrix Creek Dredging			
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	-
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	10
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			

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
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

October 17, 2007, the Mayor's Office of Long Term Planning and Sustainability and the NYCDEP held a CSO Stakeholder meeting at the New York City College of Technology. This meeting built upon the June 12, 2007 PlaNYC CSO Stakeholder meeting. The City shared the progress to date of the Interagency BMP Task Force and outlined next steps in moving towards the summer 2008 release of a plan. NYCDEP also updated stakeholders on the status of the Waterbody/Watershed Facility Plans submitted to the NYSDEC on June 30, 2007 and gave a review of the Jamaica Bay Watershed Protection Plan released on October 1, 2007.

There were no other Waterbody Stakeholder Team Meetings or Open Water LTCP CSO CAC meetings this quarter.

Additional public meeting will be held once NYSDEC comments are received and incorporated into the Waterbody/Watershed Plans which are currently under review.

6.0. Key Personnel Changes

No changes this quarter.

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

DEP submitted a written request for modification of a milestone date related to the construction completion date of December 2006 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4. The request was made 60 days prior to the milestone, as required by the Order. The request was based on poor performance by the contractor and a new milestone date of February 2008 was proposed. On January 2, 2007, DEC issued an NOV for this milestone. A proposed modification to the Consent Order has been drafted between DEP and DEC Legal to revise this milestone date.

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. DEP has met with the Surety and is working with them on development of a contract completion plan.

2. Jamaica Tributaries CSO

The property owner for the Destratification Facility refused to move forward on the site identified and would not co-sign the ULURP application or sell the site identified for the destratification facility. Negotiations continued with the owner on an alternative site identified on the same lot upon which to locate the facility. A revised ULURP was approved by City Planning. **Final design contract documents were prepared to reflect the new site.** This led to a delay in the bidding and construction of this work. A proposed modification to the Consent Order has been drafted between DEP and DEC Legal to revise this milestone date.

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. **Detailed technical discussions on this proposed alternative have been held with DEC and a technical paper that describes this alternative will be submitted to DEC as requested.**

It is important to resolve this issue as soon as possible, as the proposed modified milestone to initiate design on this element is scheduled to commence in June 2009. Considering that the typical design consultant procurement process takes 18 to 24 months, resolution is needed immediately.

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 Contract ER-AC2 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.

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.

8.0. Status of LTCP Development

According to the Order, the reporting on the progress of the Drainage Basin Specific LTCP 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.

APPENDIX A
CONSENT ORDER CERTIFICATION LETTERS



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax (718) 595-3525
elloyd@dep.nyc.gov

Steven W. Lawitts
First Deputy Commissioner

Tel. (718) 595-6576
Fax. (718) 595-3557
slawitts@dep.nyc.gov

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

November 30, 2007

Re: **Order on Consent (CSO Order)**
DEC Case #CO2-20000107-8
Certification of Notice to Proceed to Construction for:
Outer Harbor CSO / Regulator Improvements - Automation
Inner Harbor CSO / Regulator Improvements - Automation
Jamaica Tributaries CSO/ Regulator Improvements - Automation

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (the Order), this letter is to certify completion by the New York City Department of Environmental Protection (DEP) of the following milestones contained in Appendix A:

- Milestone II, D, 3 for the Outer Harbor CSO Regulator Automation
- Milestone III, D, 3 for the Inner Harbor CSO Regulator Automation
- Milestone VI, G, 3 for the Jamaica Tributaries CSO Regulator Automation

Specifically, notice to proceed to construction has been transmitted to the general contractor for the Inner Harbor, Outer Harbor and Jamaica Tributaries Regulator Automation work, in conformance with milestone III, E, 3 in Appendix A of the Order. A copy of the order to commence work is attached.

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

Very truly yours,

James G. Mueller, P.E.
Director
Facilities Planning and Design

Attachment



www.nyc.gov/dep

cc: Sandra Allen
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3500

Scott Crisafulli, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

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

Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

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

DEP: E. Rogak, K. Mahoney, D. Chao, S. Rozelman, S. Sewgobind,
P. Young (H&S) File



November 29, 2007

**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

59-17 Junction Boulevard
Flushing, New York 11373

Emily Lloyd

Commissioner

Tel: (718) 595 - 6565

Fax: (718) 595 - 3557

ELloyd@DEP.NYC.GOV

T. Moriarty & Son Inc.
63 Creamer Street
Brooklyn, NY 11231

RE: ORDER TO COMMENCE WORK FOR CONTRACT REG-026

Dear Contractor:

Transmitted herewith is your duly executed contract **REG-026** for furnishing all labor and materials necessary and required for the **Installation of SCADA System of 38 Regulators CCFISS, Citywide Facility Collection.**

Carol E. Fenves
AGENCY CHIEF CONTRACTING OFFICER
Tel: (718) 595-3225
Fax: (718) 595-3278
CFenves@DEP.NYC.GOV

The Contract was:

Awarded to you on
Executed on
Registered by the Comptroller on

October 16, 2007
October 29, 2007
November 27, 2007

The Contract was awarded in the amount of **\$15,721,000.00** and the registration number is **CTC 826 20080019042.**

The commence work date is **November 30, 2007.** You must complete the work within **500** consecutive calendar days as fixed in the General Conditions, or within the time such completion may be extended. The date to complete all work is **April 13, 2009.**

Upon receipt of this order please contact **Shrinivasan Sewgobind**, located at **96-05 Horace Harding Expressway, 2nd Floor, (718) 595-4943.**

Yours truly,

Debra E. Butten
Deputy Agency Chief Contracting Officer





DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Mr. Joseph DiMura, P.E.
Director, Bureau of 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
**Certification of Design Completion of Jamaica Tributaries CSO/
Destratification Facility**

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax (718) 595-3525
elloyd@dep.nyc.gov

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (Order), this letter is to certify completion of the final design milestone for the Jamaica Tributary CSO, Destratification Facility, by the New York City Department of Environmental Protection (DEP).

Steven W. Lawitts
First Deputy
Commissioner

Tel. (718) 595-6576
Fax (718) 595-3557
slawitts@dep.nyc.gov

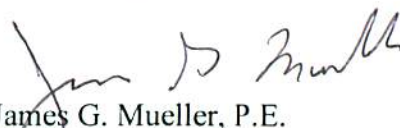
In accordance with the definition of design completion set forth in Section III, paragraph H (1) of the Order, approvable plans and specifications are enclosed for your review. These documents are for review purposes only; they are not for public release and therefore are stamped "confidential".

Also included in this submittal is a preliminary CPM schedule diagram for the Destratification Facility, as shown on drawing number G-3.

The Destratification Facility design plans and specifications have been modified and supersede the final design submittal of October 2006. Modifications to the design include relocating the facility to an alternate site, changed architectural features to accommodate NYC Arts Commission review, and a revised method for installation of the carrier pipe.

Approvable plans and specifications are also being provided to Timothy Burns of the NYS Environmental Facilities Corporation and DEC's Region 2 office. Any necessary addenda to these plans and specifications will be provided as they become available. Please contact me at (718) 595-5973 if you have any questions regarding this submittal.

Very truly yours,


James G. Mueller, P.E.
Director
Facilities Planning and Design



www.nyc.gov/dep

DIAL 311 Government Information
and Services for NYC

Enc.

cc: w/attachments
Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

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

w/out attachments:
Sandra Allen, P.E.
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3500

Scott Crisafulli, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500

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

DEP: E. Rogak, K. Mahoney, D. Chao, P. Young (H&S) File



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax (718) 595-3525
elloyd@dep.nyc.gov

Steven W. Lawitts
First Deputy Commissioner

Tel. (718) 595-6576
Fax. (718) 595-3557
slawitts@dep.nyc.gov



www.nyc.gov/dep

DIAL 311 Government Information
and Services for NYC

DEC 20 2007

Mr. Joseph DiMura, P.E.
Director, Bureau of 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
Certification of Final Design Completion of Newtown Creek CSO /
Throttling Facility

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (Order), this letter is to certify completion of a final design milestone contained in Appendix A (Milestone VIII.F.2) for the Kent Avenue Throttling Facility, by the New York City Department of Environmental Protection (DEP). This work will be accomplished under the Newtown Creek WPCP plant upgrade and is included in the NC-36 contract documents.

In accordance with the definition of design completion set forth in Section III, paragraph H (1) of the Order, approvable plans and specifications are enclosed for your review. A basis of design report is enclosed to facilitate the review of the drawings and specifications.

Also included in this submittal is a preliminary CPM schedule diagram for the Kent Avenue Throttling Facility, as shown on drawing number 36G-00G-01.

Approvable plans and specifications are also being provided to Timothy Burns of the NYS Environmental Facilities Corporation and DEC's Region 2 office. Any necessary addenda to these plans and specifications will be provided as they become available. Please contact me at (718) 595-5973 if you have any questions regarding this submittal.

Very truly yours,

James G. Mueller, P.E.
Director
Facilities Planning and Design

Enc.

cc: w/attachments
Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

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

w/out attachments:
Sandra Allen, P.E.
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3500

Scott Crisafulli, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500

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

DEP: E. Rogak, P. O'Connor, K. Mahoney, D. Chao, P. Young (H&S),
File



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax (718) 595-3525
elloyd@dep.nyc.gov

Steven W. Lawitts
First Deputy Commissioner

Tel. (718) 595-6576
Fax. (718) 595-3557
slawitts@dep.nyc.gov

January 3, 2008

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

Re: **Combined Sewer Overflow Order on Consent (CSO Order)**
DEC Case #CO2-20000107-8
Certification of Initiation of Final Design for 2xDDWF
at Tallman Island WPCP

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (the Order), this letter certifies compliance by the New York City Department of Environmental Protection (DEP) with the following milestone contained in the Revised Appendix A of the proposed 2007 Modified Order:

- Milestone V.J.1. – Initiate Final Design of Tallman Island WPCP and associated sewer systems are capable of delivering, accepting and treating influent at or above twice the plant's design flow during any storm event.

The commence work letter dated July 10, 2007 is attached hereto.

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

Very truly yours,

James G. Mueller, P.E.
Director
Facilities Planning and Design



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cc: Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

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

Sandra Allen, P.E.
Director, Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3500

Scott Crisafulli, Esq.
Water Compliance Counsel
New York State Department of Environmental Conservation
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500

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

DEP: E. Rogak, M. Osit, K. Mahoney, D. Chao, P. Young (H&S), File



July 10, 2007

**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

69-17 Junction Boulevard
Flushing, New York 11373

Emily Lloyd

Commissioner

Tel: (718) 595-6565

Fax: (718) 595-3557

ELloyd@DEP.NYC.GOV

Carol E. Fenves

AGENCY CHIEF CONTRACTING OFFICER

Tel: (718) 595-3225

Fax: (718) 595-3278

CFenves@DEP.NYC.GOV

Mr. Frank Geran

URS Corporation N.Y.

Mack-Cali Centre II, One Mack Centre Drive

Paramus, NJ 07652-3909

**RE: ORDER TO COMMENCE WORK
For Contract TI-WW-DSGN: Design
and Design Services During
Construction for Maximization of Wet
Weather Flow to the Tallman Island
WPCP.**

Dear Mr. Geran:

Enclosed is one copy of the duly executed contract dated May 24, 2007, and registered with the Office of the Comptroller on June 29, 2007 under Registration Number 20070041515. The original contract amount is not to exceed \$5,589,267.00. The date for commencement of assigned work is July 23, 2007, the date to complete all related work is June 21, 2013, a total of 72 months. The contract is for Design and Design Services During Construction for Maximization of Wet Weather Flow to the Tallman Island WPCP.

The administration of this contract will be under the direction of John Romano, located at 96-05 Horace Harding Expressway, 5th Floor at telephone (718) 595-6103. All inquiries regarding this contract should be addressed to this office.

Very truly yours,

Debra E. Butten

Deputy Agency Chief Contracting Officer



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