



**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 – First Quarter 2008**



**April 2008**





DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

96-05 Horace Harding Expressway  
Corona, New York 11368

Emily Lloyd  
Commissioner

James G. Mueller, P.E.  
Deputy Commissioner

Tel. (718) 595-5973  
Fax. (718) 595-5999  
[jmueller@dep.nyc.gov](mailto:jmueller@dep.nyc.gov)

Bureau of Engineering  
Design & Construction



[www.nyc.gov/dep](http://www.nyc.gov/dep)

DIAL 311 Government Information  
and Services for NYC

April 28, 2008

Joseph DiMura, P.E.  
Director, Bureau of Compliance  
DEC, Division of Water  
625 Broadway, 4<sup>th</sup> 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 January 1 through March 31, 2008.

Also enclosed are the meeting minutes from our February 12<sup>th</sup> CSO Quarterly Meeting held in New York City. Our next Quarterly Meeting is scheduled for May 14<sup>th</sup>, at 10:00am at Paerdegat Basin CSO Facility.

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

Very truly yours,

  
James G. Mueller, P.E.  
Deputy Commissioner

**Copy to:**

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

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

Mr. Robert Elburn, P.E.  
Regional Water Engineer  
Division of Water, Region 2  
New York State Department of  
Environmental Conservation  
47-40 21<sup>st</sup> 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, 14<sup>th</sup> 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, 7<sup>th</sup> Floor  
7th Floor  
Albany, NY 12207

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

EPA: L. Gaugler

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

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

QUARTERLY PROGRESS REPORT  
FIRST QUARTER 2008  
(January 1 – March 31)

April 30, 2008

## Table of Contents

<b>Table of Contents .....</b>	<b>i</b>
<b>List of Tables .....</b>	<b>ii</b>
<b>1.0. Executive Summary .....</b>	<b>1-1</b>
<b>2.0. Construction Contracts .....</b>	<b>2-1</b>
<b>3.0. Detailed Description of Work Performed.....</b>	<b>3-1</b>
3.1. Alley Creek CSO .....	3-1
3.2. Outer Harbor CSO.....	3-1
3.3. Inner Harbor CSO .....	3-8
3.4. Paerdegat Basin CSO.....	3-11
3.5. Flushing Bay CSO.....	3-11
3.6. Jamaica Tributaries CSO .....	3-20
3.7. Coney Island Creek CSO .....	3-24
3.8. Newtown Creek CSO.....	3-24
3.9. Westchester Creek CSO.....	3-32
3.10. Bronx River CSO.....	3-35
3.11. Hutchinson River CSO.....	3-38
3.12. Jamaica Bay CSO .....	3-32
3.13. Citywide Comprehensive Floatables Plan.....	3-40
<b>4.0. Compliance Status .....</b>	<b>4-1</b>
4.1. Unresolved Delays .....	4-1
4.2. Compliance Charts .....	4-1
<b>5.0. Community Relations .....</b>	<b>5-1</b>
<b>6.0. Key Personnel Changes .....</b>	<b>6-1</b>
<b>7.0. Other Issues .....</b>	<b>7-1</b>
<b>8.0. Status of LTCP Development .....</b>	<b>8-1</b>

## List of Tables

Table 1 – Milestones Met (January 2008 – March 2008).....	1-1
Table 2 – Milestones for Potential Modification .....	1-2
Table 3 – Milestones to be Met Next Quarter (October 2007 - December 2007) .....	1-3
Table 4 – Construction Contracts and their Status.....	2-1
Table 5 – Alley Creek CSO Project.....	3-4
Table 6 – Outer Harbor CSO Project.....	3-7
Table 7 – Inner Harbor CSO Project.....	3-10
Table 8 – Paerdegat Basin CSO Project .....	3-15
Table 9 – Flushing Bay CSO Project.....	3-19
Table 10 – Jamaica Tributaries CSO Project.....	3-23
Table 11 – Coney Island Creek CSO Project.....	3-25
Table 12 – Newtown Creek CSO Project .....	3-31
Table 13 – Westchester Creek CSO Project .....	3-34
Table 14 – Bronx River CSO Project .....	3-37
Table 15 – Hutchinson River CSO Project.....	3-39
Table 16 – Jamaica Bay CSO Project.....	3-42
Table 17 – Consent Order Milestone Dates.....	4-1

## Appendix

Appendix A – Consent Order Certification Letters

## 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 January 1, 2008 to March 31, 2008.

### Critical Events This Quarter:

The following critical events occurred this quarter:

- 1) DEP submitted an update to the Notice of Force Majeure on February 15, 2008 to NYSDEC for the Outer Harbor CSO, Port Richmond Throttling Facility. The original force majeure was submitted on November 21, 2007 due to an unanticipated subsurface condition encountered by the contractor.**
- 2) DEP submitted Notices of Force Majeure on February 1, 2008 and March 24, 2008 to NYSDEC for the Jamaica Tributaries, Warnerville/Meadowmere Pump Station due to unanticipated subsurface conditions encountered by the contractor.**
- 3) The DEP Commissioner signed the proposed Modified Consent Order on January 7, 2008.**

### 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.

**On January 7, 2008 the DEP Commissioner executed the proposed 2007 Modified Consent Order. It was submitted it to DEC for final review and execution. The Milestones referenced in Table 2 for Potential Modifications are included therein. DEP submitted the EBP plan on March 31, 2008, in association with the Modified Consent Order.**



**Table 1 – Milestones Met (January 2008 - March 2008)**

<b>LOCATION/ PROJECT AREA</b>	<b>ITEM DESCRIPTION</b>	<b>ACTION REQUIRED</b>	<b>CONSENT ORDER MILESTONE DATE</b>	<b>DATE MILESTONE WAS ACHIEVED</b>
Jamaica Bay	Sewer Cleaning	Notice to Proceed to Construction	June 2008	January 2008

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

<b>LOCATION / PROJECT AREA</b>	<b>ITEM DESCRIPTION</b>	<b>ACTION REQUIRED</b>	<b>REASON FOR POSTPONMENT</b>
Paerdegat Basin	Foundations and Substructures	Construction Completion	Defaulting of the 4B Contractor
Flushing Bay	Mechanical Structures	Construction Completion	Force Majeure due to Flooding
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Initiate Design	Additional time needed to evaluate potential modification of this requirement
Jamaica Tributaries	Destratification Facility	Final Design Completion Including CPM Analysis & Notice to Proceed to Construction	Facility needed to be relocated due to land acquisition issues
Coney Island Creek	Drainage Basin Specific LTCP for Coney Island Creek	Submit Approvable LTCP 6 months after approval of CIC WWFP	Dates needed to be modified to allow sufficient time for review and approval of WWFP
Outer Harbor	Drainage Basin Specific LTCP for Open Waters	Submit Approvable LTCP 6 months after approval of CIC WWFP	Dates needed to be modified to allow sufficient time for review and approval of WWFP
Inner Harbor	Drainage Basin Specific LTCP for Gowanus Canal	Submit Approvable LTCP 6 months after approval of CIC WWFP	Dates needed to be modified to allow sufficient time for review and approval of WWFP
Jamaica <sup>(1)</sup> Tributaries	Laurelton and Springfield Blvd.	Submit Drainage Plan for Storm Sewer Build-out	Rezoning of Jamaica, Queens by City Planning necessitate revision to drainage plan.

<sup>(1)</sup> DEC granted this modification request, revised date May 30, 2008

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on February 12, 2008. The meeting was held in New York City to discuss issues related to the Order and review milestones met during the last quarter.

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

**Major Actions Next Quarter:**

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

- ◆ Hold the next Quarterly Progress Meeting between DEC and DEP on May 14, 2008 at the Paerdegat Basin CSO Facility in Brooklyn, New York.
- ◆ Execute the negotiated modification to Consent Order to modify milestones included in Table 2.
- ◆ Submit a modification request for Hendrix Creek Dredging NTP as a result of the redesign needed for DEC/ACOE joint permit approval.
- ◆ Submit written notification to DEC on the following upcoming milestones:

**Table 3 – Milestones to be Met Next Quarter (April 2008 - June 2008)**

<b>LOCATION/ PROJECT AREA</b>	<b>ITEM DESCRIPTION</b>	<b>ACTION REQUIRED</b>	<b>DATE TO BE SUBMITTED</b>
Newtown Creek	Throttling Facility	Final Design Completion Including CPM Analysis	June 2008
Jamaica Bay	26th Ward Drainage Area Sewer Cleaning and Evaluation	Notice to Proceed to Construction	June 2008
Jamaica Bay	Hendrix Creek Dredging	Notice to Proceed to Construction*	June 2008

\*A modification to this milestone is to be submitted to accommodate agreed upon design revisions.

## 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**

<b>WATERBODY</b>	<b>ITEM DESCRIPTION</b>	<b>NOTICE TO PROCEED</b>	<b>CONSTRUCTION COMPLETION</b>	<b>PERCENTAGE OF TIME ELAPSED</b>	<b>PERCENTAGE OF CONSTRUCTION COMPLETED</b>
<b>Alley Creek</b>	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009	42%	14%
<b>Outer Harbor</b>	Regulator Improvements - Fixed Orifices	Feb 2006	Jul 2008	86%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	13%	5%
	Port Richmond Throttling Facility	Jun 2006	Dec 2008	70%	55%
<b>Inner Harbor</b>	Regulator Improvements - Fixed Orifices	Feb 2003	Apr 2006	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	13%	5%
	In-Line Storage	Aug 2007	Aug 2010	19%	25%
<b>Paerdegat Basin</b>	Influent Channel	Feb 1999	Feb 2002	100%	100%
	Foundations and Substructures	Jun 2002	Dec 2006	100%	97%
	Structures and Equipment	Sep 2005	Aug 2011	42%	67%
<b>Flushing Bay</b>	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	100%	100%
	Storage Tank	Jul 1997	Aug 2001	100%	100%
	Mechanical Structures	Mar 2002	Dec 2004	100%	100%
	Tide Gates	Dec 2000	Apr 2002	100%	100%
	Manual Sluice	Feb 2004	Jun 2005	100%	100%

<b>WATERBODY</b>	<b>ITEM DESCRIPTION</b>	<b>NOTICE TO PROCEED</b>	<b>CONSTRUCTION COMPLETION</b>	<b>PERCENTAGE OF TIME ELAPSED</b>	<b>PERCENTAGE OF CONSTRUCTION COMPLETED</b>
	Gates				
<b>Jamaica Tributaries</b>	Meadowmere & Warnerville DWO Abatement	Mar 2006	Mar 2009	67%	55%
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	-	-
	Destratification Facility	Aug 2007	Dec 2008	44%	0%
	Regulator Automation	Nov 2007	Jun 2010	13%	5%
<b>Coney Island Creek</b>	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	43%	38%
	Avenue V Force Main	Jul 2007	Jun 2012	14%	8%
<b>Newtown Creek</b>	Aeration Zone I	Dec 2005	Dec 2008	75%	37%
	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	-	-
<b>Westchester Creek</b>	Phase I (Influent Sewers)	Jun 2011	Jun 2015	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
<b>Bronx River</b>	Floatables Control	Jun 2009	Jun 2012	-	-
<b>Hutchinson River</b>	Phase I of the Storage Facility	Jun 2011	Jun 2015	-	-
	Future Phases	Dec 2016	Dec 2023	-	-
<b>Jamaica Bay</b>	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 vacating the Contractor's yard at Cloverdale Boulevard, installing the DOT cantilevered sign on Northern Boulevard, completion of the videotape inspection of all new sewers installed under this contract, installing new traffic signal cable at Cloverdale Boulevard and 46<sup>th</sup> Avenue, providing a temporary stoned access road to Outfall TI-025 from Northern Boulevard and miscellaneous cleanup and restoration work and punch-list items.** Construction of Contract ER-

AC1 is currently about **99** 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.
- ◆ **On January 29, 2008, the NYSDEC approved the NYCDEP request for a time extension for NYSDEC Permit No. 2-6303-00099-00001, 3 from January 1, 2008 to December 31, 2008.**
- ◆ **The Alley Park Environmental Restoration Monitoring Plan was revised and re-submitted to the NYSDEC on March 20, 2008 for approval.**
- ◆ **Construction progress meetings were held on January 4, 2008, February 1, 2008 and March 7, 2008 at the Engineer’s field office.**
- ◆ **An issues and tasks meeting was held on January 25, 2008 and February 29, 2008 at the Engineer’s field office.**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
  - ◆ Activities continued for Contract ER-AC2. The principal work included submittal of shop drawings by the Engineer and review of the drawings by the Engineer, obtaining permits and approvals from regulatory/approval agencies, installation of Engineer’s field office, and planning for rehabilitation of existing Outfall TI-008 including planning for construction of the temporary access roadway and restoration of wetlands. Construction of Contract ER-AC2 is currently about **14** percent complete.
  - ◆ **On February 19, 2008, the Engineer’s Office was moved to the designated location at Northern Blvd adjacent to Cross Island Pkwy in a trailers complex.**
  - ◆ **On February 27, 2008, a meeting was held at the Engineer’s field office, between the representatives of Carp Construction and the Engineers, where Carp Construction presented their ‘Tentative Sequence of Work’ for Rehabilitation of Outfall TI-008 and Wetland Restoration and for APEC. Design Engineers stated that additional boardwalk will be added to the project.**
  - ◆ **On March 14, 2008, a meeting was held at the Engineer’s field office for Contract ER-AC2, between representatives of Carp Construction and DEP, to discuss the work schedule and 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 March 25, 2008, a meeting was held at the NYCDPR’s Olmstead Center, between representatives of NYCDPR and DEP to discuss the status of the project.**
  - ◆ In mid-November 2007, the DEP issued a registered letter to the NYSDEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station in Contract ER-AC2 due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. **The impact of this**

**stoppage will result in a day for day delay. The DEP has completed negotiations with the Contractor regarding the additional cost for the removal and replacement of the existing pile-supported 36-inch diameter influent sewer within the work zone. The Change Order is currently being processed.** 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.

- ◆ **Construction progress meetings were held on January 4, 2008, February 1, 2008 and March 7, 2008 at the Engineer's field office for Contract ER-AC2.**
- ◆ **An issues and tasks meeting was held on January 25, 2008 and February 29, 2008 at the Engineer's field office for Contract ER-AC2.**

### **Missed Milestones**

- ◆ There are no missed milestones.

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

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
  - ◆ Construction of Contract ER-AC1 will continue. The principal work will include miscellaneous cleanup, site restoration work, and punch list activities.
  - ◆ The Alley Park Environmental Restoration Monitoring Plan will be reviewed by the NYSDEC.
  - ◆ Construction closeout activities will continue including finalization and registration of contract change and the work associated with such change orders.
  - ◆ Implementation of the post-construction erosion monitoring plan for the CSO storage facility and new outfall will continue.
  - ◆ Monthly construction progress meetings and 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 reviewed by the NYSDEC.
  - ◆ The monitoring plan for the wetland/upland areas to be created/restored under Contract ER-AC2 will be reviewed by the NYSDEC.

- ◆ Monthly construction progress and issues and tasks meetings will be held at the Engineer’s field office.
- ◆ **Change orders to Contract ER-AC2 will continue to be prepared and processed. Shop drawings, RFIs, etc. will be submitted and responses provided.**

**Table 5 – Alley Creek CSO Project**

	<i>Phase I, Stage 1</i>	<i>Phase I, Stage 2</i>
Plan Elements:	Alley Creek Drainage Area Improvements	Alley Creek CSO Abatement Facilities
Location:	46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens	Northern Boulevard and Alley Park in Bayside, Queens
Actions:	Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek	Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 1.51-acre area surrounding CSO Outfall TI-008
Cost:	<b>\$99,984,921</b>	\$29,929,929
Status:	Under construction by Carp Construction Corporation, 100% complete with CSO Order related construction, <b>99%</b> complete with all construction activities.	<b>14%</b> 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 sewer area) Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

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

#### Work Performed During This Quarter

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities were initiated by the contractor during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
- Phase I Regulator Improvements
  - ◆ **DEP has issued the Contractor an Article 44 letter (dated February 6, 2008) for the substantial completion of CSO-OH-REG work.**
- Phase II Throttling Facility
  - ◆ Continued shop drawing reviews and RFI responses
  - ◆ **Difficulties with the installation and effectiveness of the dewatering system continued during this reporting period. The initial dewatering wells drilled by the contractor were rehabilitated and converted to additional wells (now a total of 10 wells). The new and rehabilitated wells were drilled to increased depths, up to 70 feet below grade and fitted with larger slotted screens to allow increased inflow of groundwater to the dewatering pumps. The dewatering well drilling activities are continuing, and pumping activities are being tested as the wells are put in place. Ten dewatering wells are pumping over 2 MGD, which is greater than what was expected. A modification was made to the permit to allow for this additional capacity. By the end of May it is expected that water table at the excavation site will be lowered enough to allow work on the interceptor. It is likely that there will be delays to the project schedule and completion date due to the extended time required to handle the unanticipated volume of groundwater seen at the project site.**

**A Notice of a Force Majeure was submitted to DEC on November 21, 2007 and updated on February 15, 2008**

- ◆ **DEP issued permit to discharge up to 2 MGD of dewatering effluent to the plant on 3/19.**
- ◆ **Monthly construction progress meetings were held on 1/7, 2/12, 2/29, 3/4, 3/12, 3/27.**

#### **Missed Milestones**

- ◆ There are no missed milestones.

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

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities were initiated by the contractor during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
- Phase I Regulator Improvements
  - ◆ **None.**
- Phase II Throttling Facility
  - ◆ **Continue to address DSDC activities for the ongoing construction. Contractor and DEP to investigate the cause of an unanticipated high-flow condition in the interceptor. The interceptor will have to be cleaned in order to proceed with the excavation and construction activities. Once the investigation is complete and cleaning is performed, the contractor can continue main pit excavation activities and construction of the throttling facility.**

**Table 6 – Outer Harbor CSO Project**

	<i>Phase I</i>	<i>Phase II</i>	<i>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	-	<b>\$2,842,000</b>
Status:	<b>Substantial Completion</b>	<b>Construction 55% complete.</b>	Eliminated due to hydraulic issues.	<b>Construction 5% Complete</b>
Other Issues:	-	<b>Delays to project due to unanticipated field conditions.</b>	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 LI well permit application was approved for the regulator B-6 site.**

##### *Construction*

- Regulator Automation
  - ◆ **Construction activities were initiated by the contractor during this quarter. The contractor is conducting site visits to regulator sites and obtaining necessary permits.**
- Regulator Improvements
  - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was submitted to DEC on January 24 and the final inspection was completed by DEC. In a letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.
- In-line Storage
  - ◆ DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date.
  - ◆ **The Contractor continues construction. Some activities started this quarter include support of the excavation and partial demolition of the sewer at the B-6 site, and**

**support of the electrical lines, relocation of the water main and relocation of the SCADA panel at the R-20 site.**

- ◆ **Design of the alternate support of excavation is been developed as a change order to the contract due to the ConEdison utility obstructions. The DEP will negotiate with ConEdison as is the responsibility of the utility to pay for the cost of this change order.**

#### **Missed Milestones**

- ◆ There are no missed milestones.

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

##### *Design*

- In-line Storage
  - ◆ **Design is completed. Changes to the contract drawings due to the utility obstruction will be part of Change Order number 1.**

##### *Construction*

- In-line Storage
  - ◆ **Continue construction activities. Continue negotiations for change order number one. Review shop drawing submittals and coordinate future activities with contractor. Redesign support of the excavation to accommodate to field conditions.**

**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	<b>\$11,200,000</b>	<b>\$13,737,000</b>
Status:	Construction Complete	<b>Under construction, 25% complete</b>	<b>Construction 5% Complete</b>
Other Issues:		<b>Force Majeure submitted to DEC in December 2007</b>	

### **3.4. Paerdegat Basin CSO**

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

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

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

##### *Planning*

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

##### *Design*

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

##### *Construction*

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

- ◆ **Construction work has ceased at approximately 97% complete due to the default of the contractor on December 6, 2007 by the Department pursuant to Articles 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract.. The Department has met with the Surety on two occasions to facilitate the resumption of construction activities. DEP and the Surety are working to advance certain identified critical items on a time and material basis so as not to impact the advancement of the 5 Contractor.**
- **Phase III - Superstructures and Equipment**
  - ◆ **Construction work has continued and is approximately 67% complete.**
  - ◆ **The 5G Contractor continued to install stainless steel structural batten seam roofing, soffit and fascia on the Pump Back Building (PBB), Odor Control Building (OCB) and Screenings Building (SB); continued to install 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 Stop Logs in the SB and CSO Tanks and acoustical ceiling tiles in the CFS. The Contractor also completed installation of acoustical ceiling tiles and cleaning in the CFS Building.**
  - ◆ **The 5E Contractor completed energizing one of the low voltage switchgear in the PBB and 1 MCC's in the CFS Building; continued installation of telemetry equipment in the CFS Building; continued terminating conductors for, telephone and intercom in the PBB; continued installation of lighting fixtures in the PBB and OCB; 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 completed FDNY punch list items for the CFS Building and began installation of two Manholes and Handholes and associated duct banks on the west side of the OCB.**
  - ◆ **The 5H Contractor continued installation of concrete anchors, hanger rods, and stainless steel ductwork in CSO Tanks Nos. 1 and 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, OCB and SB; continued installation of various pieces of mechanical equipment in the PBB, OCB and SB including three (3) hot water boilers, Hot Water Unit Heaters, Expansion Tanks and Fuel Oil Pumps; continued providing temporary heat in the CFS Building; performed air and water balancing in the CFS and began final testing of mechanical equipment in the CFS.**
  - ◆ **The 5P Contractor performed no work activities during this quarter.**



## 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 February 12, 2008, to discuss the submission of a completing contractor. The Department is waiting for the Surety to honor its bond.**
- 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 work in the CFS and begin moving DEP Operations personnel and equipment into the CFS Building. Contractor will also continue installation of masonry block and Ceramic Tiles in the PBB, OCB and SB; continue installation of windows, stainless steel and aluminum doors 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 and Service Air Systems in the PBB, OCB and SB; will continue installation of flushing gates and hydraulic flushing system in the CSO Tank and Tank Corridor; will also continue**

**installation of 42-inch CSO force main and 12-inch grit piping and begin installation of the Pump Back Pumps and Grit Pumps in the PBB. Contractor will also 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 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, OCB and SB MCCs; complete installation of electrical concrete duct banks on the west side of the process buildings. Contractor will also begin installation of the emergency generator and low noise radiator in the PBB; begin installation of site lighting and security in the yard area and 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, refrigeration piping, insulation and fire stopping in the PBB, OCB, and SB. Contractor will also complete punch list items in the CFS Building; begin performing 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 PBB, OCB and SB. Contractor will also complete testing of various pieces of HVAC equipment in the CFS and begin training DEP personnel on various pieces of equipment in the CFS.**
- ◆ **The 5P Contractor will begin performing punch list items in the CFS Building; complete insulation of various piping in the PBB, OCB and SB; will complete installation of piping and hangers in the PBB, OCB and SB; complete flushing of all piping in the CFS and 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	\$126,142,890	<b>\$185,523,464</b>
Status:	Construction completed.	NTP issued on 6/24/02. Construction 97% complete.	NTP issued on 9/26/05. Construction <b>67%</b> 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><b>The Contractor was held in default in December 2007. DEP is working with the Surety toward completion of the contract work.</b></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** running track surface.
  - ◆ **Completed** Sprinkler Systems throughout facilities
  - ◆ **Completed** the installation of Elevator No. 3.
  - ◆ **Completed Electrical and HVAC systems at NYCDPR facilities**
  - ◆ **Installed bleachers, scoreboard and curtain at gymnasium and curtain wall at dance studio.**
  - ◆ **Installed office and recreation equipment.**
  - ◆ **Commenced change order work for gate control**
- Screening Building
  - ◆ Started plant operations on May 17, 2007.
  - ◆ Continued the installation of stainless steel handrails, painting and signs
  - ◆ Continued equipment check-out, **start up and training**
  - ◆ Continued equipment maintenance.
  - ◆ **Prepared area for replacement of bar screen rakes and installation of guides**

- CSO Facility
  - ◆ Started up facility operations on May 17, 2007.
  - ◆ **Completed automatic controls for most systems.**
  - ◆ **Continued** work to startup Scrubber System .
  - ◆ Continued the installation of the sprinkler system piping and sprinkler head pressure testing. **Comptroller decision was that specific disputed items are changes to the contract. Plumbing contractor continued to expedite completion of this work**
  - ◆ Progressed on the of service elevators
  - ◆ **Continued** air balancing throughout facility
  - ◆ **Completed automatic operation of effluent samplers**
  - ◆ **Completed** modifications to the fire alarm control panel.
  - ◆ **Established communication with Tallman Island control room for remote operation of the facility**
  - ◆ **Completed fire alarm system**

#### **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 telephone and building security systems.
- ◆ **Obtain Certificate of Occupancy, Public assembly permit and turn facility over to NYCDPR**
- Screening Building
  - ◆ Complete monorails and cranes
  - ◆ Complete installation of hand railings.
  - ◆ **Complete bar screen repair**
  - ◆ **Complete sprinkler system**
- CSO Facility
  - ◆ **Obtain chemical bulk storage permits**
  - ◆ Start up Scrubber system
  - ◆ **Complete sprinkler system**
  - ◆ **Complete handrails grating and painting**
  - ◆ **Complete Control room fire suppression system**
  - ◆ **Complete monorails and cranes**
  - ◆ **Obtain Certificate of occupancy from Department of buildings**
  - ◆ **Turn control of facility over to BWT operation**
- 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. <b>Milestone to accept flow, store and pump to Tallman Island WPCP was met on 5/17/07</b>
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><b>Repair to Scrubber vessels due to non conformance by manufacturer has delayed treatment and completion.</b></p> <p><b>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</b></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
  - ◆ **DEC Marine Section, requested the raw data for the sampling done in Shellbank Basin pilot facility between the years 2000 and 2002. This data was sent to DEC Marine Bureau on February 11, 2008. The data was then interpreted and resubmitted to DEC Marine Section as requested. A conference call was held on February 28, 2008 to discuss DEC's concerns with this data and the next steps to obtain a permit. During this conference call DEC, marine section, expressed their concern on the mixing of the layers when the basin is destratified, they said that from looking at the data it appears that a portion of the basin that had acceptable dissolved oxygen concentration was going to be anoxic once the layers were mixed, and as a result would be losing viable habitat. DEC also said that in order to make any conclusions they need more information and asked for additional sampling. The issue was discussed within DEP and the decision was to implement a sampling plan to be done the summer of 2008.**
  - ◆ **No new comments have been received from the Army Corps of Engineers after December 2007 when the responses to their initial comments were sent.**
- Drainage Plan
  - ◆ **BWSO and its consultant continued the preparation of a drainage plan for southeast Queens.**

#### *Design*

- Destratification Facility
  - ◆ **A design meeting was held in February.**
  - ◆ **A final set of contract documents for the Shellbank Basin Destratification Facility Project, was sent for legal review on March 14, 2008: no comments have been received yet.**
- Expansion of Wet Weather Capacity of the Jamaica WPCP
  - ◆ **DEP and DEC have discussed this issue at several technical meetings. DEP is preparing a detailed technical justification for the implementation of the alternative.**

#### *Construction*

- Regulator Automation
  - ◆ **The contractor initiated work during this quarter. The contractor's work has been related to permit applications and site inspections of the regulators.**
- Meadowmere/Warnerville
  - ◆ **Continued DSDC activities for the Meadowmere & Warnerville project. Construction site meetings were held on 1/9, 1/16, 2/13, and 3/12. Construction is 55% 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, EE Cruz, H&S, Stump/Hausman and NYCDOT was held on 1/11 at DOT's 40 Worth St. office to discuss steps required to acquire the street work permit associated with micro-tunneling activities on Rockaway Boulevard.**
- ◆ **At a field meeting on 1/6, EE Cruz reported difficulties with a part of the force main installation using the specified HDD method. At the onset of the HDD operation, EEC noticed interference near the staging area (adjacent to the pumping station) which caused horizontal deviations of the drill head. The interference did not impede forward moving progress of the drill head. When the shaft reached the exit point, EEC began to pull the drill head back toward the staging area to ream a larger diameter boring hole. During the reaming and pull-back process, the drill shaft broke. Cruz was only able to recover approximately 200' of the drill shaft at the staging area. An open-cut recovery pit was dug in attempt to recover the remaining portion of the drill shaft. During the open cut attempt Cruz discovered timber pilings and a former timber bulkhead which are now known to have caused the initial deviation in alignment and the drill shaft break. A special meeting was held on site on 1/16 to discuss HDD issues. A force majeure letter was sent to DEC regarding this field condition on February 1, 2008.**
- ◆ **During the open cut trench installation of a portion of gravity sewer, EEC reported an unanticipated subsurface steel sheeting obstruction near the future micro-tunneling work shaft SMH-2. The interference did not impede the installation of the gravity sewer, however EEC dug test pits before beginning the micro-tunneling work which confirmed that the steel sheeting was within the micro-tunneling path. EEC first attempted to remove the sheeting using an excavator, which failed. Since, they have been successful in removing the sheeting using a vibratory hammer. At this time, it is unknown whether there are more subsurface obstructions to the micro-tunneling work yet unseen. Removal of the known obstructions has minimally impacted the construction schedule. A force majeure letter was sent to DEC regarding this field condition on March 24, 2008.**

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

##### *Design*

- **Destratification Facility**
  - ◆ **Schedule conference call with DEC to define sampling program of the pilot facility for the summer of 2008. The results of this sampling will allow DEC, marine section, the review of the permit for the permanent facility.**

##### *Construction*

- **Meadowmere/Warnerville**
  - ◆ **Continue DSDC activities for the continuing construction of the Meadowmere & Warnerville DWO abatement project.**
  - ◆ **Secure updated NYSDOT permit for street work associated with stage 2 and 3 of the micro-tunneling activities on Rockaway Boulevard.**

**Table 9 – Jamaica Tributaries CSO Project**

Plan Elements:	Meadowmere & Warnerville DWO Abatement	Expansion of Wet Weather Capacity of Jamaica WPCP	Destratification	Laurelton and Springfield Blvd. Drainage Plan	Regulator Automation
Location:	Meadowmere and Warnerville – Queens, New York	Bergen Basin	Shellbank Basin	Jamaica WPCP Drainage Area	Regulators 2,3 and 14
Actions:	Construction of a Pumping Station, Sewer Collection System, and Dual Force Main	Provide an additional 50 mgd of wet weather capacity at the Jamaica WPCP.	Conduct Demonstration Construct Permanent Facility	Develop drainage plan for storm sewer build out	Provide automated regulators
Construction Cost:	\$30,648,888	\$120 million	<b>\$3,800,000</b>	To be determined	<b>\$1,421,000</b>
Status:	<b>Construction 55% complete.</b> DSDC activities continued. <b>Two Force Majeure letters issued to DEC.</b>	Recent analyses indicate that this element has limited water quality benefits. <b>Alternative actions are recommended in the Waterbody/Watershed Plan now under review by DEC.</b>	<b>Final design documents submitted.</b> <b>Permit under review by USACE and NYSDEC.</b> <b>Site acquisition in progress.</b>	Drainage planning underway.	Construction <b>5%</b> Complete.

### 3.7. Coney Island Creek CSO

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

#### Work Performed During This Quarter

##### *Design*

- Avenue V Pumping Station Upgrade
  - ◆ **Topping off of the temporary wet well.**
  - ◆ **Construction of the support of excavation around the 36" sewer that cracked in preparation for relining.**
- New Force Mains
  - ◆ **Relocation of the force main.**
  - ◆ **The contractor has made deviation requests.**
  - ◆ **Installation of barriers and protective fence along the Belt Parkway.**
  - ◆ **Tree work along the Belt Parkway.**
  - ◆ **DEC directed DEP at the last quarterly meeting to proceed with a single Long Island well permit and a single SPDES for the force main work. Since that time, the contractor has requested 2 LI well permits to facilitate construction. DEC has accepted this concept.**

##### *Construction*

- Avenue V Pumping Station Upgrade
  - ◆ **The wet well top slab has been cast and preparations are being made for the temporary pumping system.**
  - ◆ **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
  - ◆ **Installation of the temporary pumps and takeover of the pump station operation.**
  - ◆ **Completion the change order #4 work**
  - ◆ **Lead abatement work in the Main Building**
- New Force Mains
  - ◆ **Utilities are being relocated**
  - ◆ **Installation of the new force main sections.**

**Table 10 – Coney Island Creek CSO Project**

	<i>Contracts PS-79G, H, P, E</i>	<i>Contract 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:	<b>Notice to Proceed issued on 12/16/05. Construction is 38% complete.</b>	Notice to Proceed to Construction <b>8% complete.</b>
Other Issues:	None	None

### 3.8. Newtown Creek CSO

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

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

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

#### Work Performed During This Quarter

##### *Planning*

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

##### *Design*

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

- Phase 1 Aeration Facility
  - The NYSDEC Joint Application Permit had expired and a new permit application was submitted to the NYSDEC. The NYSDEC reviewed and has determined that the apparent bulkhead is actually a relieving platform and therefore the land beneath the platform is considered wetlands. As a result, the NYSDEC replied to the NYCDEP with a Notice of Incomplete Application (NOIA). A response to the NOIA was prepared and submitted to the NYSDEC on July 18, 2006. The NYSDEC then issued a second NOIA and a response was prepared by the NYCDEP and submitted to the NYSDEC on August 25, 2006, with a revised response submitted to the NYSDEC on September 7, 2006. The NYCDEP BEPA issued a modified Negative Declaration on October 4, 2006 and the NYSDEC issued a Notice of Complete Application (NOCA) to the NYCDEP on October 18, 2006 for advertisement including a public comment period ending November 10, 2006. The NYSDEC then issued a Notice of Permit Issuance on November 22, 2006 with the effective dates of November 24, 2006 through December 31, 2009. The NYSDEC Joint Application Permit was modified by the DEC on September 11, 2007 to incorporate changes to the construction contract.
  - The NOPI contains Special Conditions, including submission of a Habitat Monitoring Plan and a Wetlands Restoration Plan within 30 days and 60 days of the permit's issuance, respectively.
  - The special condition for the Wetlands Restoration Plan has been approved by the NYSDEC on April 24, 2007.
  - A Habitat Monitoring Plan was submitted to the NYSDEC in January 2007 for their review. The NYSDEC reviewed and submitted comments to the Plan on March 20, 2007. The NYSDEC's comments included requests for much more extensive sampling. The magnitude of the Plan recommended by the NYSDEC is far beyond the scope needed to satisfy the intent of the Permit Condition. A meeting with the NYSDEC, NYCDEP, and the Engineer was held on April 13, 2007 to discuss the NYSDEC comments. The Habitat Monitoring Plan was revised based upon discussions at this meeting and forwarded to the NYSDEC on June 27, 2007. **NYSDEC comments to the Habitat Monitoring Plan were received on December 14, 2007. A DEP response was prepared and submitted to the NYSDEC. DEP continues working with NYSDEC on finalization of the Plan.**
  - **The DEP is looking into ways to perhaps modify the existing design to achieve higher dissolved oxygen levels and potentially use this data to assist in the design and permitting of subsequent aeration facilities.**
  - **Assisted in the meetings for the construction coordination of the project.**
  - **The NYCDEP waived the Quality Assurance/Quality Checking (QA/QC) inspection for the blower packages. It was discovered in March that the blower vendor waived most of the shop tests for the blower equipment. The issue will be resolved by providing the required shop tests for the blower equipment before they can be delivered to the site.**

- **URS submitted packages to obtain an extension of time for the existing United States Army Corp of Engineers' (USACOE) Nationwide No. 5 permit and New York City Department of Small Business Services' (NYCDSBS) work permit. The work permit extension requests were forwarded to the NYCDSBS and USACOE on February 22, 2008 and February 25, 2008, respectively. The USACOE and NYCDSBS permits expired on March 15, 2008 and March 24, 2008, respectively.**
- 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.
- Phase 2 Aeration Facilities
  - ◆ **Reports were prepared and reviewed recommending properties to locate Aeration Facilities along the East Branch and Dutch Kills waterbodies.**
  - ◆ **Preliminary design on Aeration Facilities for the East Branch and Dutch Kills waterbodies has begun and is evaluating the viability of targeting a dissolved oxygen concentration of 3 mg/L, as specified in the WWFP.**

#### *Construction*

- Phase 1 Aeration Facilities
  - ◆ The construction of the Phase I Aeration Facilities is **37 percent complete. During the quarter, the NC-EK11G and NC-EK11E Contractors performed the following work:**
    - **NC-EK11G**
      - **Placed the concrete floor slab**
      - **Completed the installation of the structural steel**
      - **Installed the metal decking for the roof**
      - **Installed the roof insulation**
      - **Covered the roof insulation with plywood and installed the roof felt**
      - **Installed the soffit and fascia sheathing on the higher roof and covered the higher roof gutter space with ice and water shield**
      - **Placed the transformer concrete pad**
      - **Installed and tested the drain and water systems in the toilet area**
      - **Completed the bulkhead and the platform**
      - **Waterproofed the floor slab walls with the asphalt emulsion**
      - **Placed the blower concrete pads**
      - **Backfilled the area around the floor slab**
      - **Re-installed the structural steel element of the gutter beam of the lower roof and re-polished the crane runway girder surface**
      - **Commenced the installation of masonry construction**



- **NC-EK11E**

- **Completed installation of the conduit system within the floor slab**
  - **Installed the additional electrical cabinet to provide plugs for supporting construction activities.**
  - **Continued the installation of miscellaneous conduit work and lightning devices.**
  - **Thermal welded the copper grounding cable to the corner steel columns.**
- ◆ **The NC-EK11G Contractor submitted a proposal for the site storm sewer and retaining wall work.**
- 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 WPCP. Upgrade Contract NC-36.

#### **Missed Milestones**

- ◆ There are no missed milestones.

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

##### *Design*

- Maximize Flow to Morgan Ave. Interceptor
  - Continue design 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 Aeration Facility**
  - 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.**
  - **Assist in the meetings for the construction coordination of the project.**
  - **Resolve obtaining the required shop tests for the blower equipment.**
  - Negotiate Change Order NC-EKG-3 for the site storm sewer work.
- **Phase 2 Aeration Facilities**
  - Continue evaluation of alternative properties identified for require blower buildings.
  - **Continue working on obtaining properties along the East Branch and Dutch Kills for the construction of Aeration Systems for the corresponding waterbodies.**

- **Continue design of Aeration Systems for the East Branch and Dutch Kills waterbodies.**

*Construction*

- **Phase 1 Aeration Facility**
  - **The NC-EK11G and NC-EK11E Contractors are scheduled to perform the following work for the next quarter:**
    - **NC-EK11G**
      - **Continue installation of Masonry**
      - **Continue installation of remaining Door Frames**
      - **Commence installation of Louvers**
      - **Commence installation of Rough-in Plumbing**
      - **Commence placement of concrete pads HVAC Unit and Electrical Equipment**
      - **Commence installation of Jib Crane**
      - **Commence placement of Concrete Duct Bank for Electrical Service and Outdoor Light Pole**
    - **NC-EK11E**
      - **Complete installation of Grounding for the Aeration Building**
      - **Continue installation of Miscellaneous Conduit work**
      - **Commence installation of Outdoor Transformer**
      - **Commence installation of Service Pole**
      - **Tie-in underground Feeder Cable to Con Edison service**
    - **NC-EK11H**
      - **Commence installation of HVAC Equipment.**

**Table 11 – Newtown Creek CSO Project**

Plan Elements:	Maximize flow through Morgan Ave. Interceptor	Phase 1&2 - Aeration Facilities	Off-line Storage Tank
Location:	Regulator B1 and WPCP throttling chamber	Head end of English Kills, south of Grand Street	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in Regulator B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to Regulator B1; provide throttling gate on Kent Avenue Interceptor.	Provide aeration of English Kills to raise DO concentrations to a 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. Regulator B1 Modifications are being performed under a Task Order Contract.	<b>Construction is 37% complete.</b> <b>A response to the DEC's comments to the Habitat Monitoring Plan is being prepared.</b> Continue design of the Aeration Systems for Dutch Kills and East Branch under 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. <b>As allowed by the Order, the current plan is subject to modifications by the Waterbody / Watershed Facility Plan.</b>

### **3.9. Westchester Creek CSO**

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

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

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

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

#### *Planning*

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

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

#### *Design*

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

#### *Construction*

- ◆ Construction has not yet been initiated.

#### **Missed Milestones**

- ◆ There are no missed milestones.

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

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

**Table 12 – Westchester Creek CSO Project**

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

### 3.10. Bronx River CSO

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

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

#### Work Performed During This Quarter

##### *Planning*

- ◆ **On January 30, 2008, a meeting was held at the NYCDPC offices in Manhattan, between representatives of the NYCDPC and Bronx City Planning to review the Bronx River Land Exchange Application. Based on this meeting, the NYCDPC has request a multi-agency meeting with representatives from the NYCDPR, NYCDEP, DCAS, NYSDOT, NYCDPC, and Bronx City Planning. The NYCDPR will schedule this meeting, which will include a presentation of the project from the NYSDOT and a discussion on any final comments on the Bronx River Land Exchange Applications.**
- ◆ **On February 12, 2008, a meeting was held at the NYCDPC offices in Manhattan between representatives of the NYCDPC, Bronx City Planning, DCAS, NYCDOT, NYCDPR, and NYCDEP to discuss the Bronx River Land Exchange Project ULURP Application.**
- ◆ **The revised Health and Safety Plan (HASP) prepared by the drilling contractor for drilling the environmental borings at the floatables control facilities sites is being reviewed by DEP .**
- ◆ **The NYCDPC requested the Bronx River Land Exchange Project ULURP Application be separated into two applications; one ULURP Application for the Mapping Actions and another ULURP Application for the Zoning Map Amendment and Site Acquisition / Selection. The Engineer submitted a revised Bronx River**

**Land Exchange ULURP Mapping Application to the NYCDCP in mid-February 2008 for final review.**

- ◆ **The ULURP Zoning Map Amendment Application and Public Facility Application of the Bronx River Land Exchange ULURP Application were revised in February 2008, and these applications were submitted to the NYCDCP and the Bronx City Planning Office in March for approval.**
- ◆ **The draft EAS has been revised and is undergoing final review by the DEP.**
- ◆ **DEP has determined no ULURP will be required for the floatables control facilities.**

*Design*

- ◆ Design of the floatables control facilities continued.
- ◆ **The 60 percent complete contract drawings and specifications for the floatables control facilities were revised based upon the October 12, 2007 meeting between representatives of the DEP and the Engineer.**
- ◆ 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*
  - ◆ **The DEP to review and approve the EAS for the floatables control facilities.**
  - ◆ **The environmental borings will be taken at the sites of the floatables control facilities.**
- *Design*
  - ◆ Design of the floatables control facilities will 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.
- ◆ **The completed contract drawings and specifications will undergo review.**
- *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.
  - ◆ **The Engineer to submit to the DEP the completed contract drawings and specifications for final review and approval.**

**Table 13 – Bronx River CSO Project**

Plan Elements:	Floatables Control Facilities at CSO Outfalls HP-004, HP-007 and HP-009
Location:	New conduit (West Farms Road) upstream of CSO Outfall HP-004, Regulator 27 (Bronx Park Avenue) and Regulator 27A (Bronx Zoo) upstream of CSO Outfall HP-007, and Regulator 13 (Soundview Park) upstream of CSO Outfall HP-009
Actions:	Design and construction of floatables control facilities for CSO Outfalls HP-004, HP-007 and HP-009
Cost:	\$35,398,000
Status:	Draft EAS for floatables control facilities under <b>review</b> , ULURP Application for floatables control facilities <b>not required</b> ; design of floatables control facilities underway
Other Issues:	EAS for floatables control facilities <b>completed and under review and needs to be approved</b> and Negative Declaration issued; <b>final contract drawings and specifications to be submitted, revised if necessary and approved for bidding</b>

### **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 233<sup>rd</sup> Street, serves a drainage area of approximately 1,100 acres. For this CSO planning area, the Waterbody/Watershed Facility Plan, currently under review by the NYSDEC, analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

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

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

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

##### *Design*

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

##### *Construction*

- ◆ Construction has not yet been initiated.

#### **Missed Milestones**

- ◆ There are no missed milestones.

**Anticipated Activities for Next Quarter**

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

**Table 14 – Hutchinson River CSO Project**

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

### 3.12. Jamaica Bay CSO

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26<sup>th</sup> 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 26<sup>th</sup> Ward drainage area and interim dredging of the head-end of Hendrix St Canal. Subsequent phases include development of waterbody/watershed plans for the 26th Ward tributaries under the Citywide Long Term Control Plan for CSO and expansion of the wet weather capacity of the 26<sup>th</sup> Ward 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
  - ◆ **A certification letter dated January 10, 2008 was submitted to NYSDEC certifying that Notice to Proceed to Construction for Jamaica Bay CSO/26<sup>th</sup> Ward Drainage Area Sewer Cleaning was provided to the National Water Main Cleaning Company.**
- Dredging
  - ◆ **The NYCDEP responded to NYSDEC Bureau of Marine Resources comments regarding the Joint Application Permit associated with the Interim Dredging of the Hendrix Street Canal. A meeting was held with NYSDEC Division of Water and Bureau of Marine Resources personnel to address Bureau comments related to the composition of the proposed containment cap. Following discussions with NYCDEP Marine Division personnel, the containment cap was revised to remove the gravel component of the cap. Drawings noting the revised cap cross section were submitted to the US Army Corps of Engineers for review.**
  - ◆ **The Environmental Assessment Statement associated with the Hendrix Street Canal Interim Dredging Project was distributed for public notice.**

- Expansion of 26<sup>th</sup> 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 30<sup>th</sup> 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
  - ◆ **Revise Contract Documents to incorporate NYSDEC Bureau of Marine Resources and advertise for bids.**
  - ◆ **A modification request for the NTP date of June 2008 is required as a result of the dredging cap re-design that was required by the DEC for the permit approval.**

#### *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 15 – Jamaica Bay CSO Project**

Plan Elements:	Dredging	Cleaning of Certain Combined Sewers	Expansion of 26 <sup>th</sup> 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 <sup>th</sup> Ward WPCP, Brooklyn	Spring Creek, Brooklyn
Actions:	Contract documents for interim dredging currently being revised	Contractor to initiate work May 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility
Project Cost:	\$15 million	\$4.3 million	Estimate Construction Costs: <ul style="list-style-type: none"> <li>▪ 26W- 13: \$26 million</li> <li>▪ 26W-20: \$232 million<sup>1</sup></li> <li>▪ 26W-22: \$424 million<sup>1</sup></li> <li>▪ 26W-23: \$58 million<sup>1</sup></li> <li>▪ 26W-24: TBD</li> </ul> <sup>1</sup> Conceptual estimate	\$87 million
Status:	On Schedule.	On Schedule	Final Design Initiated	<b>100% complete</b>
Other Issues:	-	-	-	-

### 3.13. Citywide Comprehensive Floatables Plan

#### Work Performed During This Quarter

- ◆ During the **first** quarter of **2008**, data collection by the **Harbor Water Quality Survey crews** for the floatables monitoring program continued.
- ◆ The **floatables monitoring** program also **completed** its transition from a pilot phase to a full scale program **on schedule as of February 2008**. **Over the course of 2008**, floatables monitoring activities will be incorporated into existing programs (listed below) to expand the number of sites monitored.
  - 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 **active** sites in addition to those monitored as part of the pilot program.
  - 3) Public Participation – 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. **Cleanups are expected to occur over several days during the summer of 2008 at up to six sites. Specific schedules will be developed during the second quarter 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. Coordination with the Survey Program occurred **in the first** quarter of **2008 in anticipation of 2008 bathing season activity**.
- ◆ 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.
- ◆ **The Floatables Monitoring Program Progress Report for CY2007 was developed during the first quarter and submitted as an addendum to the CSO BMP Annual Report to the New York State Department of Environmental Conservation during the first week of April.**

### **Missed Milestones**

- ◆ There are no missed milestones.

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

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



## 4.0. Compliance Status

### 4.1. Unresolved Delays

See Section 7.0, Other Issues.

### 4.2. Compliance Charts

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

**Table 16 – Consent Order Milestone Dates**

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
<b>I. Alley Creek CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Approvable Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
<b>B. Comprehensive Watershed Planning</b>			
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
<b>C. Outfall and Sewer System Improvements</b>			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Mar. 2002	100
3. Notice to Proceed to Construction	Dec. 2002	-	100
4. Construction Completion	-	Dec. 2006	100
<b>D. CSO Retention Facility</b>			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2005	100
3. Notice to Proceed to Construction	Dec. 2006	-	100
4. Construction Completion	-	Dec. 2009	14
<b>E. Drainage Basin Specific LTCPs</b>			

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
<b>II. Outer Harbor CSO</b>				
<b>A. Facility Plan Development</b>				
1.	Submit Modified Facility Plan Report	-	Completed	100
2.	Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
<b>B. Comprehensive Watershed Planning</b>				
1.	Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>				
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
<b>D. Regulator Improvements – Automation</b>				
1.	Initiate Final Design	Feb. 2005	-	100
2.	Final Design Completion Including CPM Analysis	-	Nov. 2006	100
3.	Notice to Proceed to Construction	Nov. 2007	-	100
4.	Construction Completion	-	June 2010	5
<b>E. Port Richmond Throttling Facility</b>				
1.	Initiate Final Design	June 2004	-	100
2.	Final Design Completion Including CPM Analysis	-	Aug. 2005	100
3.	Notice to Proceed to Construction	June 2006	-	100
4.	Construction Completion	-	Dec. 2008	55
<b>F. In-Line Storage</b>				
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
<b>III. Inner Harbor CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
<b>B. Comprehensive Watershed Planning</b>				
	1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Regulator Improvements - Fixed Orifices</b>				
	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
<b>D. Regulator Improvements – Automation</b>				
	1. Initiate Final Design	Feb. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Nov. 2007	-	100
	4. Construction Completion	-	June 2010	5
<b>E. In-Line Storage</b>				
	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	25
F.	Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	Jan. 2008	50
<b>IV. Paerdegat Basin CSO</b>				
<b>A. Facility Plan Development</b>				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100

<b>ITEM DESCRIPTION</b>	<b>START DATE</b>	<b>DUE DATE</b>	<b>% COMPLETE</b>
3. Submit Form 2A SPDES Application	-	July 2002	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report	-	Mar. 2003	100
<b>C. Influent Channel</b>			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Mar. 1997	100
3. Notice to Proceed to Construction	Feb. 1999	-	100
4. Construction Completion	-	Feb. 2002	100
<b>D. Foundations and Substructures</b>			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Aug. 2001	100
3. Notice to Proceed to Construction	June 2002	-	100
4. Construction Completion	-	Dec. 2006	97
<b>E. Structures and Equipment</b>			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2004	100
3. Notice to Proceed to Construction	Sept. 2005	-	100
4. Construction Completion	-	Aug. 2011	67
F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov. 2005	100
<b>V. Flushing Bay CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
<b>B. Comprehensive Watershed Planning</b>			
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
<b>C. CS4-1 Reroute and Construct Effluent Channel</b>			
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
<b>D. CS4-2 Relocate Ballfields</b>			
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
<b>E. CS4-3 Storage Tank</b>			
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
<b>F. CS4-4 Mechanical Structures - Initiate Final Design</b>			
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
<b>G. CS4-5 Tide Gates</b>			
1. Initiate Final Design	Aug. 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 1999	100
3. Notice to Proceed to Construction	Dec. 2000	-	100
4. Construction Completion	-	Apr. 2002	100
<b>H. CD-8 Manual Sluice Gates</b>			
1. Final Design Completion Including CPM Analysis	-	May 2003	100
2. Notice to Proceed to Construction	Feb. 2004	-	100
3. Construction Completion	-	June 2005	100
<b>I. Drainage Basin Specific LTCPs</b>			

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
<b>VI. Jamaica Tributaries CSO</b>				
<b>A. Facility Plan Development</b>				
1.	Submit Modified Facility Plan Report	-	April 2003	100
2.	Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
<b>B. Comprehensive Watershed Planning</b>				
1.	Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
2.	Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Meadowmere &amp; Warnerville DWO Abatement</b>				
1.	Initiate Final Design	Jan. 2004	-	100
2.	Final Design Completion Including CPM Analysis	-	May 2005	100
3.	Notice to Proceed to Construction	Mar. 2006	-	100
4.	Construction Completion	-	Mar. 2009	55
<b>D. Expansion of Wet Weather Capacity of Jamaica WPCP</b>				
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	-
<b>E. Destratification Facility</b>				
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	-
<b>F. Laurelton and Springfield Blvd.</b>				

<b>ITEM DESCRIPTION</b>	<b>START DATE</b>	<b>DUE DATE</b>	<b>% COMPLETE</b>
1. Submit Drainage Plan for Storm Sewer Build-out	-	Jan. 2008	75
<b>G. Regulator Automation</b>			
1. Initiate Final Design	Feb. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
3. Notice to Proceed to Construction	Nov. 2007	-	100
4. Construction Completion	-	June 2010	5
<b>H. Drainage Basin Specific LTCPs</b>			
1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin	-	Aug. 2012	50
2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin	-	Aug. 2012	50
<b>VII. Coney Island Creek CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Apr. 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Avenue V Pumping Station Upgrade</b>			
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	38
<b>D. Avenue V Force Main</b>			
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	8
E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	Sept. 2007	50
<b>VIII. Newtown Creek CSO</b>			
<b>A. Facility Plan Development</b>			

<b>ITEM DESCRIPTION</b>	<b>START DATE</b>	<b>DUE DATE</b>	<b>% COMPLETE</b>
1. Submit Modified Facility Plan Report	-	Oct. 2003	100
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Aeration Zone I</b>			
1. Initiate Final Design	Mar. 2001	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2004	100
3. Notice to Proceed to Construction	Dec. 2005	-	100
4. Construction Completion	-	Dec. 2008	37
<b>D. Aeration Zone II</b>			
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	-
<b>E. Relief Sewer / Regulator Modification</b>			
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	-
<b>F. Throttling Facility</b>			
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	-
<b>G. CSO Storage Facility</b>			
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
<b>IX. Westchester Creek CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Apr. 2003	100
2. Submit Form 2A SPDES Application	-	June 2009	-
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	July 2004	June 2007	100
<b>C. Phase I (Influent Sewers)</b>			
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	-
<b>D. CSO Storage Facility</b>			
1. Notice to Proceed to Construction	Dec. 2015	-	-
2. Construction Completion	-	Dec. 2022	-
E. Submit Approvable Drainage Basin Specific LTCP for Westchester Creek	-	Feb. 2016	50
<b>X. Bronx River CSO</b>			
<b>A. Facility Plan Development</b>			
1. Submit Modified Facility Plan Report	-	Sept. 2003	100
2. Submit Additional Modified Facility Plan Report	-	Mar. 2004	100
3. Submit Form 2A SPDES Application	-	July 2007	-
<b>B. Comprehensive Watershed Planning</b>			
1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report	-	June 2007	100
<b>C. Floatables Control</b>			
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
<b>XI. Hutchinson River CSO</b>			
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
<b>XII. Jamaica Bay CSO</b>			
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
<b>C. Spring Creek AWPCP Upgrade</b>			
1. Initiate Final Design	Apr. 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Feb. 2002	100
3. Submit Form 2A SPDES Application	-	June 2003	100
4. Notice to Proceed to Construction	Mar. 2003	-	100
5. Construction Completion	-	April 2007	100
<b>D. 26th Ward Drainage Area Sewer Cleaning and Evaluation</b>			
1. Initiate Final Design	Jan 2007	-	100
2. Final Design Completion Including CPM Analysis	-	June 2007	100
3. Notice to Proceed to Construction	-	June 2008	-
4. Construction Completion	-	June 2010	-
<b>E. Hendrix Creek Dredging</b>			
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	-
<b>F. 26th Ward Wet Weather Expansion</b>			
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	-
<b>G. Drainage Basin Specific Long Term Control Plans</b>			
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
<b>XIII. Citywide Comprehensive Floatables Plan</b>			

---

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**

**The third public outreach meeting of the Interagency Best Management Practices (BMP) Task Force was held on Monday, February 4, 2008. This meeting focused on BMP design opportunities and challenges in several areas of implementation. Brainstorming sessions for BMP designs were organized around the following subjects: New and existing low, medium, and high density residential and commercial sites and structures, new and existing industrial and commercial structures, streets, sidewalks, confined and heavily programmed public space, small neighborhood and large destination parks, fields, courts, play areas, and waterfront development.**

**A Gowanus Canal public meeting was held on February 12, 2008 to review and receive input on the Gowanus Canal WB/WS Plan. The meeting was held jointly by DEP and DEC and a responsiveness summary was prepared by DEP and DEC.**

**An Alley Creek public meeting is planned for May 21, 2008.**

## **6.0. Key Personnel Changes**

**James G. Mueller, P.E. was promoted to Acting Deputy Commissioner of the Bureau of Engineering Design & Construction.**

**Robin Adair, Esq. NYSDEC has been appointed the day-to-day legal lead for the CSO Consent Order, succeeding Scott Crisafulli, Esq. who will continue to be involved in the project in his new position at DEC.**

## 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 the interim pumping station due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date.

**6. Outer Harbor CSO - Phase II Throttling Facility**

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

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

**7. Inner Harbor CSO – In-line Storage**

DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date.

**8. Jamaica Tributaries – Warnerville Pump Station and Force Main**

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



## 8.0. Status of LTCP Development

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

Waterbody	Percent Completion of each Waterbody/Watershed Plan								
	1	2	3	4	5	6	7	8	9
	CSS Characterization	Public Participation	Sensitive Areas	Alternatives Evaluation	Cost / Performance	Operational Plan	Maximizing WPCP Treatment	Implementation Schedule	Post-Construction Monitoring
Alley Creek	100	100	100	100	100	100	100	100	100
Bergen Basin	100	100	100	100	100	100	100	100	100
Bronx River	100	100	100	100	100	100	100	100	100
Coney Island Creek	100	100	100	100	100	100	100	100	100
East River	100	100	100	100	100	100	100	100	100
Flushing Bay	100	100	100	100	100	100	100	100	100
Flushing Creek	100	100	100	100	100	100	100	100	100
Fresh Creek	100	100	100	100	100	100	100	100	100
Gowanus Canal	100	100	100	100	100	100	100	100	100
Hendrix Creek	100	100	100	100	100	100	100	100	100
Hutchinson River	100	100	100	100	100	100	100	100	100
Jamaica Bay	100	100	100	100	100	100	100	100	100
Newtown Creek	100	100	100	100	100	100	100	100	100
Open Waters	100	100	100	100	100	100	100	100	100
Paerdegat Basin*	100	100	100	100	100	100	100	100	100
Spring Creek	100	100	100	100	100	100	100	100	100
Thurston Basin	100	100	100	100	100	100	100	100	100
Westchester Creek	100	100	100	100	100	100	100	100	100

\* Reflects % completion of Drainage Basin Specific LTCP

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





DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

96-05 Horace Harding Expressway  
Corona, New York 11368

JAN 10 2003

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

Re: **Order on Consent (CSO Order)**  
**DEC Case #CO2-20000107-8**  
**Certification of Notice to Proceed to Construction for**  
**Jamaica Bay CSO/ 26<sup>th</sup> Ward Drainage Area Sewer Cleaning &**  
**Evaluation**

**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

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (the Order), this letter is to certify the compliance with a milestone contained in the Order by the New York City Department of Environmental Protection (DEP). Specifically, notice to proceed to construction has been transmitted to the general contractor for the 26<sup>th</sup> Ward Drainage Area Sewer Cleaning work, in conformance with milestone XII, D, 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](http://www.nyc.gov/dep)

DIAL 311 Government Information  
and Services for NYC

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, 14<sup>th</sup> Floor  
Albany, NY 12233-5500

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

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

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

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

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



December 05, 2007

**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

59-17 Junction Boulevard  
Flushing, New York 11373

National Water Main Cleaning Co.  
875 Summer Avenue  
Newark, NY 07104

**Emily Lloyd**  
Commissioner  
Tel: (718) 595 - 6565  
Fax: (718) 595 - 3557  
[ELloyd@DEP.NYC.GOV](mailto:ELloyd@DEP.NYC.GOV)

**RE: ORDER TO COMMENCE WORK FOR CONTRACT CSO-FC**

Dear Contractor:

Transmitted herewith is your duly executed contract CSO-FC for furnishing all labor and materials necessary and required for the Improvement of Flow Capacity to Fresh Creek CSO-26th Ward's WPCP Drainage Area.

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

The Contract was:

Awarded to you on	October 12, 2007
Executed on	October 25, 2007
Registered by the Comptroller on	December 03, 2007

The Contract was awarded in the amount of \$4,299,487.80 and the registration number is CTC 826 20080015616.

The commence work date is December 10, 2007. You must complete the work within 730 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 December 09, 2009.

Upon receipt of this order please contact Reza Marandi, located at 96-05 Horace Harding Expressway, 4th Floor, (718) 595-5932.

Yours truly,

Debra E. Butlien  
Deputy Agency Chief Contracting Officer



**NYSDEC/NYCDEP Quarterly CSO Consent Order Meeting  
Tuesday, February 12, 2008**

Hazen and Sawyer, P.C.  
498 7<sup>th</sup> Avenue, 11<sup>th</sup> Floor  
1:00 PM

**AGENDA**

- 1) Review of Previous Quarterly Meeting Minutes
- 2) Discussion of 4th Quarter 2007 Citywide CSO Progress Report and Milestones
- 3) Status of Specific Consent Order Projects
  - a. Paerdegat Basin Foundations/Substructures
  - b. Shellbank Basin Destratification
  - c. Jamaica WPCP Wet Weather Expansion
  - d. Newtown Creek Phase I Aeration
  - e. Flushing CSO Tank
- 4) Force Majeure
  - a. Alley Creek CSO Retention Facility
  - b. Inner Harbor In-Line Storage
  - c. Outer Harbor Throttling Facility
- 5) Modification Request for Laurelton and Springfield Blvd. Sewer Buildout
- 6) DEC Permit Reviews
  - a. Hendrix Creek Dredging
  - b. Dewatering for Ave V Force Mains and Pump Station
  - c. Shellbank Destratification
  - d. Newtown Creek Aeration Zone I – Habitat Monitoring Plan
- 7) Interim Post Construction Monitoring Plan
- 8) Status of DEC Reviews of WB/WS Reports and Resource Planning
- 9) Status of CSO Consent Order Modifications
  - a. Proof of Publication
  - b. Submittal of EBP Work Plan
    - i. USDA Forest Service Grant Proposal
- 10) IEM Status
- 11) Miscellaneous
  - a. Rockaway Sewer Project Submittal
  - b. Jamaica Bay 2XDDWF, DEC letter of 12/7/07
  - c. NOV for BMPs #1a, 1b, and 2 dated 12/14/07
- 12) Next Quarterly Meeting: May 13, 2008; Location – TBD







CSO Consent Order Meeting  
2/12/08

	Name	Affiliation	Phone
1.	Norm Brodby	H+S	(212) 539-7049
2.	Owen Messac	DEC-A1b	(518)-402-8214
3.	Carin Spreitzer	DEC-A1b	(518) 402-9223
4.	John Cimpulli	" "	" " -9012
5.	Vincent Sapienti	DEP-BWS	718 595 4906
6.	Elizabeth Fogak	DEP/Legal	718 595-6594
7.	Diane Hammelman	DEP/BWT	(718) 595-4965
8.	Larry Gaugler	USEPA	212-637-3950
9.	Keith Mahoney	DEP/BEDC	718-595-5972
10.	Dorothy Chao	"	6564
11.	RAY MESARATI	DEP/BEDC/PCS	718-595-6123
12.	William Plache	NYC LAW	(212) 788-1574
13.	JIM GARIN	DEP-BWSO	718-595-5501
14.	Dave Hetfield	NYS EFC	518-402-7455
15.	GARY Kline	NYS DEC-A1b	518-402-9655
16.	SUE McCORMICK	NYS DEC-A1b	518-402-8199
17.	Robyn Adair	NYS DEC-Legal	(518) 402-9521
18.	Marcella Eckels	NYC DEP-Legal	718/595-6535
19.	GAIL SAUNDERS	NYC LAW	(212) 788-1238
20.	RAMIN PEJAN	NYC LAW	(212) 788-1586
21.	Peter Young	Hazen and Sawyer	(212) 539-7009

# **NYSDEC/NYCDEP CSO Consent Order Quarterly Meeting**

## **Meeting Minutes**

*February 12, 2008*

*Hazen and Sawyer, New York, NY*

The quarterly meeting to discuss issues related to the Combined Sewer Overflow (CSO) Consent Order was held on February 12, 2008 at the offices of Hazen and Sawyer. Keith Mahoney (NYCDEP) welcomed representatives of NYSDEC and NYCDEP to the meeting and introduced Dorothy Chao (NYCDEP), who presented much of the technical material. The agenda of the meeting and the sign-in sheet are attached.

### **1. Review of Previous Quarterly Meeting Minutes**

Sue McCormick (NYSDEC) stated that a few comments made by herself and Gary Kline (NYSDEC) at the 3<sup>rd</sup> quarter 2007 quarterly progress meeting were not included in the meeting minutes. The NYCDEP did not object to incorporating any additional comments she made into the record.

Sue McCormick noted a few minor errors in the text of the CSO Quarterly Progress Report:

- Alley Creek construction is not proceeding
- It was stated in the report that Army Corps comments were transmitted to NYSDEC in the prior quarter. Sue McCormick requested a copy of the Army Corps comments. Dorothy Chao noted these comments and response were transmitted to DEC the prior evening.
- The status of the City-wide SCADA project was not fully updated in Table 3-10, where “bids received, budget modification obtained from OMB” should have been updated to “NTPC issued in November 2007.” The occurrence of this NTP was correctly reported elsewhere in the report.

### **2. Discussion of 4th Quarter 2007 Citywide CSO Progress Report and Milestones**

Six milestones were successfully completed in the fourth quarter of 2007 consistent with the existing CSO Consent Order:

- A Notice to Proceed for Construction of automated regulator improvements in Outer Harbor
- A Notice to Proceed for Construction of automated regulator improvements in Inner Harbor
- A Notice to Proceed for Construction of automated regulator improvements in the Jamaica Tributaries
- Final Design Completion (inclusive of a CPM analysis) for the Newtown Creek throttling facility

- Final Design Completion (inclusive of a CPM analysis) for the Jamaica Tributaries Destratification Facility (In compliance with the 2007 Modified CSO Consent Order)
- The initiation of final design for upgrades leading to the achievement of two times design dry weather flow treatment at the Tallman Island WPCP (In compliance with the 2007 Modified CSO Consent Order)

Five milestones NYCDEP has identified for consideration of potential modification include:

- Construction completion of the foundation and substructures contracts at Paerdegat Basin
- Construction completion of mechanical structures at Flushing Bay
- The initiation of design to expand the Jamaica WPCP's wet weather capacity to two times the design dry weather flow
- The Final Design Completion (with CPM analysis) milestone in addition to the Notice to Proceed for Construction milestone for the Jamaica Tributaries destratification facility
- The submittal date for a Long Term Control Plan (LTCP) for the Coney Island Creek.

Three milestones are to be met in the coming quarter:

- The submittal of an approvable LTCP for open waters, Outer Harbor. The milestone date of January 2008 is included in the proposed Modified CSO Order.
- The submittal of an approveable LTCP for Gowanus Canal, Inner Harbor. The milestone date of January 2008 is included in the proposed Modified CSO Order.
- The submittal of a drainage plan for storm sewer buildout, Laurelton and Springfield Boulevard

Elizabeth Rogak (NYCDEP Legal) noted that she anticipated having the modified CSO Consent Order tear sheet by the end of the day, and anticipated forwarding it to NYSDEC in the near future

### **3. Status of Specific Consent Order Projects**

#### **A Paerdegat Basin Foundations/Substructures**

The CSO-4B contractor was defaulted by the NYCDEP on December 6, 2007. NYCDEP is working with the identified surety agent to discuss remaining work items. It is unclear at this time if the remaining work can be assigned or if a rebid is necessary. NYCDEP has not communicated the year extension to completion contained in the modified order to the surety agent. Scott Crisafulli (NYSDEC Legal) asked how NYCDEP notified the public of the default; Elizabeth Rogak was not aware of the formal mechanism of communication but confirmed that the news had spread through the community.

Sue McCormick stated that NYSDEC expected the head end of the basin to be dredged. She noted a dredging permit was in place, and encouraged DEP to capitalize on this and get the work done. Mike Borskyowsky (NYCDEP BEDC) noted that a large portion of the dredging had to be deferred due to unanticipated DOT restrictions that necessitated pushing the work to a future contract. Some dredging needs to be completed to make the facility operational; this work will be completed within this phase of work. NYSDEC stated they were not familiar with this deferral; both parties will check the correspondence history as to what was communicated. Gary Kline asked the nature of the SEQRA concern; Mike Borsykowsky explained the EAS/EIS was based on barging, and DOT's refusal to allow dredge to pass under bridges under repair now necessitates dredge being transported by truck, which has cost and schedule implications. Sue McCormick stated that DEC would consider extending the dredging permit, and Gary Kline noted it is a lot easier for DEP to extend an existing permit rather than restart permit approval process.

### **B Shellbank Basin Destratification**

The destratification pilot facility is currently online and will continue to be until the permanent facility is complete. Dorothy Chao noted that the City is currently negotiating with the owner of the property for the acquisition of the proposed facility. An Army Corps/NYSDEC joint permit application was submitted for this proposed destratification facility and several technical meetings have been held with DEC to discuss DEC Marine Resources issues. Sue McCormick noted after a technical meeting two weeks ago the onus was placed on NYCDEP to resubmit data. Dorothy Chao submitted the requested data yesterday. Sue McCormick stated that in addition to the data NYCDEP was supposed to provide analysis. Dorothy Chao noted that the information was rather volumous and that DEP believed a discussion of the data with DEC should precede any analysis. A call will be set up and it was noted that the DEC Permit is necessary to proceed with the land acquisition/condemnation and contract procurement and Notice to Proceed. DEP further noted that it takes approximately 9 months for the bid process. Gary Kline stated that an interim permit would be issued, subject to the existing data, and a final permit would be issued after the Summer data was collected. The discussion of the impact to the proposed Order modification and project milestones was tabled.

### **C Jamaica WPCP Wet Weather Expansion**

DEP has submitted a more cost-effective alternative to the plant expansion in the June 2007 Jamaica Bay & CSO Tributaries WB/WS Plan. The June 2009 revised design start milestone is in jeopardy due to procurement issues. NYCDEP owes NYSDEC a response on technical comments soon. Gary Kline noted that the next step would be for the NYCDEP to propose an order modification, and NYSDEC would not accept a Consent Order modification proposal until an approvable plan is in place. DEC would not provide any estimate of time when such review or approval would be completed. Elizabeth Rogak indicated that a modification request would be submitted for the June 2009 and each subsequent milestone as DEP could not proceed with the plan until a determination was made by DEC.

#### **D Newtown Creek Phase I Aeration**

Construction is proceeding. The current CPM schedule shows completion September 19, 2008. The milestone date is December 31, 2008. Extensive water quality monitoring and habitat monitoring required by NYSDEC will lead to delays in Phase II aeration milestones. The NYCDEP's intent is to submit the modified monitoring plan this week that will address most of NYSDEC's comments related to sampling expressed during a recent technical meeting, and to address issues related to applying the results to other projects and facility redesign on a separate track so that review of the monitoring plan would not be held up. Gary Kline stated that the inclusion of an adaptive management approach was crucial from NYSDEC's perspective.

#### **E. Flushing CSO Tank**

Sue McCormick asked when the facility would be ready for a final inspection. Mike Borsykowsky said all equipment and appurtenances would be installed in the next couple of months with the exception of influent flow meters. Sue McCormick stated her judgment was that the ability to accurately measure flow was particularly important. Mike Borsykowsky stated the facility is successfully capturing storms since May 2007, and therefore the waterbody is getting beneficial use. NYCDEP will keep NYSDEC in the loop as to when a final inspection can be performed. It was noted that BWT is on schedule to take over operation of the facility from Severn Trent in April 2008.

#### **4. Force Majeures**

Dorothy stated currently 4 force majeure have been identified as part of the CSO Consent Order:

A force majeure was identified for the Alley Creek facility due to unanticipated subsurface conditions. Sue McCormick drafted a letter on this issue, but there was some uncertainty regarding whether the letter was signed and distributed. NYSDEC will check on this and will distribute if necessary.

A force majeure was also submitted for Inner Harbor In-Line Storage also due to subsurface conditions and discontinuation of the equipment (inflatable dam) by the Manufacturer. The facility will need a redesign, affecting the final design.

Also due to unanticipated subsurface conditions, a force majeure was submitted for Outer Harbor Throttling Facility.

On Warnerville and Meadowmere, the contractor lost a drill bit during directional drilling of the force main route. An attempt to recover the drill bit via a parallel tunnel was unsuccessful. An open trench permit was approved, but there are issues with the stockpiling of material. Elizabeth Rogak noted the requirement to provide notification of a potential Force Majeure event within 20 days compels DEP to write correspondence before all details and thus any potential recovery plan would be provided as part of updates that follow the initial notice. Mike Borsykowsky noted that DEP is taking all efforts to minimize the impact to the community, which adds challenges.

**5. Modification Request for Laurelton and Springfield Blvd. Sewer Buildout**

An advance set of drainage plans for the Laurelton and Springfield Blvd. were submitted on January 31, 2008. As part of the submittal, DEP requested a modification of the minor milestone to May 30, 2008. The final-sign off was affected by the rezoning of Jamaica District of Queens and the necessity to revisit and revise the plans to incorporate the rezoning. Sue McCormick asked if it would be prudent to wait for final sign-off prior to reviewing it; Elizabeth Rogak indicated that it was not expected that there would be any significant changes to these plans. DEP explained that incorporation of NYSDEC comments could be done by internal technical staff and the issue would not have to go back before the commissioner again.

**6. NYSDEC Permit reviews**

DEP will modify the extent of gravel cap design for the Hendrix Creek dredging and resubmit an application to NYSDEC. Due to the length of the permitting process, a modification to the construction initiation milestone will be necessary. Keith Mahoney stated that the USACE permit will undergo additional technical review, but USACE will not seek public comment. The redesign will be submitted to Steve Zhan in a few weeks. Gary Kline stated that NYSDEC is engaged, involved and understand the need for the modification.

For the Avenue V Force Mains and Pump Station dewatering, NYSDEC confirmed that only one SPDES permit and one Long Island well permit will be required to cover all dewatering for the project.

For Shellbank destratification facility permitting, DEP assembled historical DO and temperature data for NYSDEC review. DEC may request an additional year of data collection; the extra year of data will impact the construction schedule.

On the Newtown Creek Aeration Zone 1 Habitat Monitoring Plan, DEC sees no reason for delaying the NTP milestone because an interim permit may be obtained immediately with the stipulation that it would be contingent on review of new data. Elizabeth Rogak noted that DEP cannot award contracts until permits are in place, and Mike Borsykowsky offered examples of existing lawsuits associated with trying to hire without permits in-hand that DEP is currently paying off. NYSDEC staff expressed confidence that the permits would be in place well before they become critical path.

**7. Interim Post Construction Monitoring Plan**

There was some question as to who included this item on the agenda, but Sue McCormick informed attendees that she had recently met with BWT, and noted that there are some outstanding issues with the SPDES-required monthly operating reports for regional CSO facilities, citing the legal definition of an event as one. Based in part on that meeting, she decided that the LTCP-required post-construction compliance monitoring results and the SPDES-required monthly operating reports for CSO facilities need to be “linked,” and should be coordinated. NYCDEP indicated that the

reports are in compliance with the permit requirements but agreed to schedule a follow-up technical meeting on the matter.

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

DEP reiterated their request that DEC prioritize their review of WB/WS plans so that those with upcoming milestones get addressed first. The specific requested order was Jamaica Bay, Newtown Creek, Hutchinson River, and Westchester Creek. DEC noted this preference, but Gary Kline (DEC) indicated each WB/WS Plan that proposes a major modification to the CSO Consent Order would not be prioritized as DEP requested. DEC is working on the low hanging fruit. DEC noted that they are close to finishing their reviews of Gowanus and Alley Creek, and then expect to focus on Coney Island Creek next.

**9. Status of CSO Consent Order Modifications**

Proof of purchase was provided for a New York Daily News advertisement on February 1, 2008. The earliest the modified order can be executed in March 2, 2008. Only one comment has been received to at this point.

The Environmental Benefit Project Plan proposes \$3 Million of work and will be submitted soon. Sue McCormick asked about the structure of the EBP; Elizabeth Rogak stated the EBP will provide an identification of potential programs and responsible parties. Sue McCormick stated that the NYSDEC has applied for a USDA forest service grant for \$360,000 and, in the event the grant is approved, suggested matching EBP money from NYCDEP.

**10. IEM Status**

No new candidates have been identified.

**11. Miscellaneous**

**A Rockaway Sewer Project Submittal**

The City will be asking for an extension, likely within the next two weeks. This request can be made via email

**B Jamaica Bay 2XDDWF, DEC letter of 12/7/07**

The NYCDEP recently responded, the NYSDEC will review and respond to this correspondence

**C NOV for BMPs #1a, 1b, and 2 dated 12/14/07**

A meeting will be set up to discuss in the coming weeks

A public meeting will be held the evening of February 12 for Gowanus. A public meeting for Alley Creek will be scheduled for early April

Robin Adair has been appointed the day-to-day legal lead for the CSO consent order, succeeding Scott Crisafulli, who will continue to be involved in the project in his new position at DEC.



The next quarterly meeting is scheduled for May 13, 2008. Sue McCormick suggested holding both the CSO and BNR meetings at the Paerdegat Basin CSO facility.