

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)**  
**CROTON FACILITY MONITORING COMMITTEE MEETING MINUTES**  
**TUESDAY, MAY 27, 2014 – 7:00 PM**

The Croton Facility Monitoring Committee (CFMC) met on Tuesday, May 27, 2014 at the Church of the Visitation of the Blessed Virgin Mary, 160 Van Cortlandt Park South, Bronx, NY 10463.

**Welcome**

The meeting was called to order by the Chair, Father Richard Gorman, at 7:15 pm. CFMC members, with the exception of Bronx Parks Commissioner Hector Aponte, were in attendance. (Attendance list with input from Karen Argenti is *Attachment 1*)

**Adoption of Agenda**

Fr. Gorman's agenda was adopted. (*Attachment 2*)

**Water for the Future**

Matt Mahoney, Associate Commissioner, DEP, presented information and a short video on "Water for the Future", DEP's extensive program to conserve water and maximize and improve existing water sources so that the agency can make an underground water supply connection via a bypass tunnel on the Delaware Aqueduct. (See DEP's web page at Water for the Future for the video and associated information.) The Delaware Aqueduct has been leaking and the bypass was determined to be the best solution to correcting the problem. Currently, DEP is constructing shafts and building a tunnel on each side of the Hudson River that will eventually be connected beneath the Hudson River. For a period of from six to fifteen months the Delaware Aqueduct will be off line while DEP makes the bypass connections. The "Water for the Future" program includes a series of actions.

Mr. Mahoney said that water conservation initiatives during the past decade have steadily reduced the city's daily usage of water, and that additional conservation actions include a low flow retrofit toilet fixtures rebate program, reactivation of some of the old Jamaica Water Supply wells in Southeast Queens with on site water treatment, and numerous other programmatic reductions in water use. [For example the Metropolitan Transportation Authority (MTA) will curtail the cleaning of subway cars and buses – and the city will invest in many other initiatives.]

Questions and comments were made by Bob Press, Community Board #8, Ms. Argenti, Friends of Ft. Independence Park, Robert Cooney, engineer, Robert Fanuzzi and Bob Bender, Community Board #8.

**Discussion Regarding Projected Work in Jerome Park Reservoir (JPR)**

Mr. Mahoney also addressed the FMC's inquiries about further construction work, beyond the Croton Filter Plant-related construction, that will take place at JPR. He said that the retaining walls, Gate Houses, and pathways must be significantly improved prior

to the shut down of the Delaware Aqueduct, as the Croton Filter Plant will process and supply about 30% of the city's daily water usage.

Ms. Argenti asked for a breakdown based on current usage of how DEP will supplement the City's water supply during shutdown. [Note: DEP provided the below breakdown]

Current Usage per day is 1,071 million gallons per day (MGD)

Usage of Catskill Supply during shut down will be 590 MGD

To be Supplemented, when the Delaware System is off line is 481 MGD

Supplemental Supply Sources When Delaware System is Shut down

Croton Falls and Croton River Pumping Station will supply 152 MGD

Croton Filter Plant will supply 250 MGD

Southeast Queens Wells will supply 33 MGD

Catskill Rehabilitation and Repair will provide 46 MGD

There was a lengthy discussion about the public's desire for recreational access to JPR. Mr. Mahoney said that while JPR will be undergoing important construction for many years, there may be non-work areas on the property where some pilot public access programs could be held. As a result of the CFMC's urging, DEP will confer about this internally and will report back to the CFMC. Fr. Gorman said that the community will also brainstorm on public access activities, and that a separate CFMC meeting solely devoted to public access activities will be scheduled.

Ms. Argenti stressed the need to protect the Old Croton Aqueduct in JPR's north wall when DEP repairs the wall as part of the upcoming JPR work.

Ms. Argenti spoke of the past neglect of conditions at JPR and said that the community believes that the additional construction needed at JPR should have been integrated with the Croton project. Mr. Mahoney said that all of the future JPR projects are currently in the planning phases, and that they were not sufficiently detailed to be bid with the Croton contracts.

Mr. Bender and Ms. Argenti expressed frustration about the lack of agreement between DEP and DPR on reimbursement to DPR for trees removed from in and around JPR and along the JPR berm, and that an inspection has not yet taken place. They said that from 500 to 1000 trees are to be paid for and planted. Mr. Mahoney said that the trees negotiations between DEP and DPR are continuing and that the eventual agreement will be fair to both agencies. He explained that trees on DEP property were removed and that street trees on DPR property at JPR that were dead or damaged were also removed. DEP will not pay for the trees that were removed from the DPR property. The agencies are presently reviewing and accounting for the trees on each agency's property. This issue will eventually be resolved. In answer to Mr. Press, Mr. Mahoney said it is not determined yet whether additional trees must be removed at JPR.

Mr. Cooney said, as he has in the past, that a backup generator at Croton is even more important than before because Croton's operations will be critical when the Delaware Aqueduct is off line.

Mr. Press complained about DEP not adequately addressing Robert Solomon's continuing complaints about Croton, and he complained about DEP's decision to attend quarterly and not monthly CFMC meetings.

Mr. Fanuzzi asked Shane Ojar, DEP, for the scope document and SHPO approval letter regarding the JPR Gate House design project that Community Board #8's Environmental and Sanitation Committee chair, Sergio Marquez, had requested when the Committee met on May 21, 2014. These items will factor in to the Committee's comments and recommendations about the JPR Gate House design project. [Note: the documents were sent to Community Board #8 by DEP on May 22]

#### **Alienation of Parkland**

Ms. Argenti distributed proposed legislation that she prepared to alienate park land as a result of DEP's sole use of the driveway to the Croton Filter Plant. (*Attachment 3* is Home Rule message and *Attachment 4* is state legislation)

Ms. Argenti also complained about the second entrance to the Croton Filter Plant site that is being constructed at 213 Street and Jerome Avenue, saying that it will cause added traffic problems on Jerome Avenue. Mr. Bender asked for clarification about the need for two access roads to the Croton Filter Plant. There was a discussion about where and to which groups DEP presented the details about this construction. Ms. Walker-Santiago confirmed that Community Board #7's Traffic and Transportation Committee received the details, and DEP also provided the detailed information to the CFMC.

#### **Adoption of March 25 CFMC Meeting Minutes**

Fr. Gorman asked for a motion for the March CFMC meeting minutes to be adopted. Wilhelm Ronda, Bronx Borough President's office moved for adoption, and Adaline Walker-Santiago, Community Board #7, seconded. The minutes were adopted. Fr. Gorman said the April CFMC meeting minutes will be forwarded at a later time.

#### **Discussion**

Ms. Walker-Santiago asked whether a problem with operations at the Indian Point nuclear power plant could affect the city's water supply. Mr. Mahoney said DEP has considered this possibility, but that if Indian Point had a serious problem, the water supply is just one of the significant problems New Yorkers might face.

Ms. Walker-Santiago and Fr. Gorman introduced and welcomed Dustin Engelkin, new District Manager of Community Board #7.

Fr. Gorman proposed, and the CFMC agreed, that the next CFMC meeting will be on Tuesday, June 24 at the DEP Office, 3660 Jerome Avenue, Bronx 10467. As there was no other new business, the meeting adjourned at 8:15pm.

**ATTENDANCE – CROTON FACILITY MONITORING COMMITTEE MEETING**

TUESDAY, MAY 27, 2014

CHURCH OF THE VISITATION OF THE BLESSED VIRGIN MARY – 160 VAN CORTLANDT PARK  
SOUTH

Father Richard Gorman, Community Board #12

Adaline Walker-Santiago, Community Board #7

Robert Fanuzzi, Community Board #8

Wilhelm Ronda, Office of Bronx Borough President

Andrew Sandler, Office of Council Member Cohen

Shane Ojar, Department of Environmental Protection

Matthew Mahoney, Department of Environmental Protection

Karen Argenti

Ilona Linins

Robert Cooney

Robert Press

Dustin Engelkin

Bob Bender

Laura Spalter

Christina Taylor

Martha Holstein

Shayla Love, Norwood News

MEETING  
Of the  
CROTON FILTRATION PROJECT MONITORING COMMITTEE

Tuesday  
27 May 2014  
7:00 P.M.

Church of the Visitation  
160 Van Cortlandt Park South  
The Bronx, New York 10463

A G E N D A

1. **Call to Order**
2. **Approval of the Minutes of the Meeting of 27 March 2014**
3. **Approval of the Minutes of the Meeting of 22 April 2014**
4. **Presentation by Associate Commissioner Matthew R. Mahoney of the New York City Department of Environmental Protection on *"WATER FOR THE FUTURE"***
5. **Discussion *re* Rationale, Scope, Schedule, and Cost of Projected Work in Jerome Park Reservoir (J.P.R.)**
6. **Discussion *re* Need for Alienation of Park Land due to Closure of Access Road in Van Cortlandt Park**
7. **New Business**
8. **Discussion *re* Next C.F.M.C. Meeting on Tuesday, 24 June 2014**
9. **Adjournment**

New York City Council Resolution No. [REDACTED]

Whereas, the Department of Environmental Protection is seeking a home rule resolution from this Council related to the Department's plan to create a permanent and exclusive access road through Van Cortlandt Park to the nearly completed Croton Water Filtration Plant (the "Access Road") and asking the New York State Legislature to provide authorization to the City to alienate portions of the Park for the Access Road;

Whereas, in 2003 the New York State Legislature approved the alienation of parkland for Croton Water Filtration Plant subject to the requirement that most of the surface be returned to public, park uses following construction, including the Access Road;

Whereas, the Department of Environmental Protection reviewed the environmental impacts of the Croton Water Filtration Plant pursuant to the State Environmental Quality Review Act and the preparation of an environmental impact statement that assumed that the Access Road would be re-opened for public use following construction;

Whereas, the Department of Environmental Protection has determined that for security purposes the approximately one-acre Access Road must remain an exclusive access point to the plant solely for the Department of Environmental Protection;

Whereas, acting as lead agency, the Department of Environmental Protection has prepared an environmental assessment that has concluded that the Access Road will not have significant adverse environmental impacts;

Whereas, the plan for the Access Road includes the following park improvements:

*The authorization provided in section one of this act shall be effective only upon the following conditions: (a) within twelve months the Department of Environmental Protection will create and implement a fencing, landscaping and maintenance plan for the access road that creates an attractive, park-like atmosphere and is approved in writing by the Commissioner of the Department of Parks and Recreation and the Councilman from New York City Council District 10; (b) within twelve months the Department of Environmental Protection will provide \$7,500,000 (or the actual cost, whichever is greater) to the Department of Parks and Recreation for the design and construction of a pedestrian bridge to cross the Major Deegan Expressway at Shandler Field, which the Department of Parks and Recreation shall design and build within 36 months; (c) within 60 months the Department of Environmental Protection and Department of Parks and Recreation will open a landscaped public walking and jogging trail around the Jerome Park Reservoir that includes one necessary fence for protection of the water supply and enter into an inter-agency maintenance agreement with the Department of Parks and Recreation; and (d) within 60 months the Department of Environmental Protection will re-open portions of Van Cortlandt Park around the Third Water Tunnel and Van Cortlandt Park Valve Chamber, other than those portions that will remain closed in perpetuity to ensure site safety, and return them to jurisdiction of the Department of Environmental Protection.*

Whereas, the Council has determined that alienation of the approximately one-acre Access Road is necessary for the security of the Croton Water Filtration Plant;

Whereas, the Council recognizes the important park improvements that are part of the plan for the Access Road;

Now, therefore, be it resolved that conditioned upon the park improvements set forth above, the Council hereby issues this home rule request for introduction of a Croton Water Filtration Plant Access Road Alienation Bill pursuant to the N.Y. Municipal Home Rule Law; and be it

Further Resolved, that the Council asks the City Clerk to forward a copy of this home rule request to the New York State Legislature;

[insert signatures and other information normally included by the Council]

AN ACT authorizing the City of New York to discontinue the use of certain lands as park lands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subject to the provisions of this act, the City of New York is hereby authorized, acting by and through its Mayor and Commissioner of the Department of Parks and Recreation, upon such terms and conditions as they determine, to discontinue the use of certain park lands within Van Cortlandt Park more particularly described in section two of this act and to utilize such lands for other than park purposes including but not limited to use by Department of Environmental Protection as a secure access road to the Croton Water Filtration Plant that was previously authorized by the Senate and Assembly, as described below.

Section 2. The lands authorized by this act to be discontinued as park lands are as follows:

All that certain lot, piece or parcel of lands lying, situate and being in the City of New York, County of the Bronx, State of New York, bounded and described as follows:

Permanent Easement Area: [insert metes and bounds of the road]

Intending to describe land containing within said bounds approximately one acre of land to be removed from park purposes through the creation of a permanent and exclusive easement for the Department of Environmental Protection until such time as the Croton Water Filtration Plant no longer operates in Van Cortlandt Park or the Department creates an alternative access route.

Section 3. The authorization provided in section one of this act shall be effective only upon the following conditions: (a) within twelve months the Department of Environmental Protection will create and implement a fencing, landscaping and maintenance plan for the access road that creates an attractive, park-like atmosphere and is approved in writing by the Commissioner of the Department of Parks and Recreation and the Councilman from New York City Council District 10; (b) within twelve months the Department of Environmental Protection will provide \$7,500,000 (or the actual cost, whichever is greater) to the Department of Parks and Recreation for the design and construction of a pedestrian bridge to cross the Major Deegan Expressway at Shandler Field, which the Department of Parks and Recreation shall design and build within 36 months; (c) within 60 months the Department of Environmental Protection and Department of Parks and Recreation will open a landscaped public walking and jogging trail around the Jerome Park Reservoir that includes one necessary fence for protection of the water supply and enter into an inter-agency maintenance agreement with the Department of Parks and Recreation; and (d) within 60 months the Department of Environmental Protection will re-open portions of Van Cortlandt Park around the Third Water Tunnel and Van Cortlandt Park Valve Chamber, other than those portions that will

remain closed in perpetuity to ensure site safety, and return them to jurisdiction of the Department of Environmental Protection.

Section 4. The City of New York shall comply with all other applicable laws before dedicating the park lands described in section 2 of this act.

Section 5. This act shall take effect immediately.

The legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our discretion and, in accordance with such section, is entitled to be read into evidence.

\_\_\_\_\_  
President of the Senate

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Speaker of the Assembly