



Department of Health

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SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 25, 2016

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD deliverables that were due April 30, 2016. Our comments are attached. We would appreciate if you could provide a reply to these comments by August 19, 2016.

Please feel free to contact me if you have any questions.

Sincerely,

Pamela L. Young, Ph.D.
Chief, NYC Watershed Section
Bureau of Water Supply Protection

Att.

Cc (electronic):

R. Sokol
T. Boepple-Swider
K. Lynch – USEPA
K. Kosinski/T. Snow – NYSDEC

NYSDOH/USEPA Comments on FAD Deliverables due April 30, 2016

6.1 Watershed Rules and Regulations

Two semi-annual reports on project activities and enforcement actions for the period October 1, 2015 through March 31, 2016 have been submitted as required by the Revised 2007 FAD. The reports provide valuable information about the implementation of NYC's Watershed Rules and Regulations, as well as a review of development activities within the watershed.

NYSDOH/EPA note that all previous recommendations for report enhancements were incorporated into these reports. The improved reports, including maps, are easy to read, concise, and informative.

The following recommendations are offered and clarifications requested related to the deliverables:

Project Review Activities

- Section 3.1 discusses an agreement between DEP and the NYS Environmental Facilities Corporation (EFC) to assist DEP in the management of a non-NYC owned Waste Water Treatment Plant (WWTP) Capital Replacement Program and a WWTP Future Regulatory Program. On page 3, in paragraph 3, the report states: "The Agreement is funded for \$5,340,000 and additional funding will be provided as needed." Further: "Currently, the Agreement is with EFC for signature." What is the status of the agreement, and have any funds been expended?

Regulatory Enforcement Actions

- On pages 27-28 (Project 2013-SC-0403), the entry notes that there was a complaint regarding SSTS failure. DEP first went out in August 2014, and noticed a suspicious area but no septic odor. Subsequently, DEP inspected numerous times and while there was never a septic failure observed, a suspicious area was observed on several of the site visits. Will DEP continue to monitor this site, or could the status of a case like this one change from "on-going" to "closed" if no failure is observed for a period of time?
- On pages 54-55 (Project 2001-PE-0806), the description lays out a violation from 2014 that has not been resolved, even with referral to NYC Law Department. The last site inspection noted was 1/15/16, and the issue had not been resolved. What are the next steps for a situation like this one? Has DEP done any additional follow up since 1/15/16?
- On pages 55-56 (Project 1998-RO-0131), the text states that a failed septic system at this property is not eligible for the replacement program because CWC had

previously funded the replacement in 1998. Is this a potential issue moving forward, as systems replaced in the early years of the program approach an age of twenty years?

- On page 83, the report states that an illegal dumping site was identified on Carcass Brook Road. NYSDOH/USEPA appreciate the quick and effective investigative actions taken by DEP Police. Please provide an update of the removal and proper disposal of the refuse by the responsible party.
- On page 86, the report states that a non-traceable dumping was discovered in the Kensico Basin, which, among other items, contained a bucket of rock salt (weighing approximately 50 pounds). The report indicates that dumped material was subsequently removed and properly disposed. Please provide any information on whether there was evidence of soil contamination or stormwater runoff from the site related to the rock salt.