



February 26, 2016

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Commissioner

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Dear Dr. Young and Mr. Pabst:

Enclosed is the DEP Response to the NYSDOH/USEPA Comments on Revised 2007 FAD Deliverables submitted through December 2015.

As always, if you have any questions about these comment responses or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. S. Warne', followed by a horizontal line.

David S. Warne
Assistant Commissioner

**DEP Response to NYSDOH/USEPA Comments on the FAD Deliverable Reports
Submitted December 31, 2015
Response Date February 26, 2016**

3.1 Septic and Sewer Programs

The Revised 2007 FAD stated that, by December 31, 2015, DEP would work to complete sewer extension projects in Pine Hill-Shandaken (Pine Hill WWTP), Showers Road-Hunter (Tannersville WWTP), and Margaretville-Middletown (Margaretville WWTP). NYSDOH/USEPA acknowledge that the Showers Road-Hunter project is complete, and that the remaining two projects will be completed in the second half of 2016. Please provide a mid-year update on the status of these two projects, due June 30, 2016.

DEP Response:

DEP will provide an update by June 30, 2016.

3.3 Community Wastewater Management Program

The Revised 2007 FAD required DEP to complete the construction of the South Kortright project by December 31, 2014, and the Lexington project by December 31, 2015. NYSDOH/USEPA acknowledge that, due to certain project delays, completion for these projects will not be achieved until mid to late 2016. As these projects are now overdue, please provide a mid-year update on the status of these two projects, due June 30, 2016.

DEP Response:

DEP has reminded project partners that the projects are overdue. Our partners continue to anticipate completion by mid to late 2016. DEP will provide an update by June 30, 2016.

Please confirm DEP's receipt of the Preliminary Engineer's Reports for the projects in Shandaken and West Conesville.

DEP Response:

DEP received Draft Preliminary Engineer's Reports by December 31, 2015.

4.9 East of Hudson NPS Pollution Control Program

The Revised 2007 FAD specifically required the completion of two stormwater retrofit projects by December 30, 2015. The projects, at Maple Avenue and Drewville Road, address sediment erosion into the Cross River and Croton Falls Reservoirs, respectively. Situations outside of DEP's control, such as municipal redesign requests, have delayed these projects, which were originally due by December 31, 2009 (as per the 2007 FAD). DEP now anticipates that the projects will be completed by mid-2019.

Protection of source water quality is a critical factor in determining Filtration Avoidance. NYSDOH/USEPA strongly urge DEP to expedite the Maple Avenue and Drewville Road projects, and meet requirements of the Revised 2007 FAD.

As these projects are now substantially overdue, please begin providing quarterly project status updates, with the first update due March 31, 2016. Reports should include information on progress of the projects, any delays encountered or anticipated, and actions NYCDEP is taking to mitigate delays.

DEP Response:

State and local permitting requirements have significantly expanded the timeframe necessary to complete these projects. DEP will provide information on the progress of the project in the FAD Assessment that will be submitted by March 31, 2016. DEP will then begin providing quarterly updates starting in June 30, 2016.

4.6 Stream Management Program

As required by the Revised 2007 FAD, DEP submitted a report that evaluates the status of the Catskill Watershed Corporation (CWC) Local Flood Hazard Mitigation Program (LFHMP) funding, specifically evaluation of funding needs through 2017.

DEP Response:

Comment noted.

DEP projects that the \$17 million contract with CWC (registered in 2015) will be sufficient to cover the anticipated costs through 2017, as the expected fund requests will primarily be feasibility studies. Based on the information provided, NYSDOH/USEPA agree that the initial \$17 million allocation will be sufficient to support the LFHMP through 2017.

DEP Response:

Comment noted.

The report indicates that approximately \$150,000 of program funds have been spent since June 1, 2015, including \$10,000 for a feasibility study and the balance for other program commitments and expenses. Please provide further clarification on what other program commitments and expenses have been covered by these program funds so far.

DEP Response:

The report notes that as of September 2015, the date of the most recent invoice DEP had received, CWC had spent \$76,104.23. These were entirely administrative costs and most of these expenses were incurred developing program rules. The report also notes that it was estimated that CWC would have expenses and commitments of approximately \$150,000 by the end of 2015. It was expected that three applications would be approved in 2015. One application was rejected, due to owner lack of interest and the other two applications were not approved until January and February 2016.

Therefore, the actual end of 2015 expenses totaled \$89,024. Over the last six months of 2015, CWC averaged administrative costs of \$6,271.00 per month and approved one grant for \$10,000 for a feasibility study of the Walton, Water Street cell tower relocation.

In 2016, CWC has approved two grants totaling \$35,000 for project feasibility studies in Walton for the Water St Utility relocation and in Windham for the GNH Lumber relocation.