

[The Long Term Control Plan for Newtown Creek](#)

Background:

The NYC Department of Environmental Protection (DEP) created the Long Term Control Plan (LTCP) for Newtown Creek in 2017, in accordance with the New York State Department of Environmental Conservation's (DEC) CSO Order on Consent. NYC waterways are under Federal and New York State laws and regulations. The U.S. Environmental Protection Agency's (EPA) CSO Control Policy provides guidance on the implementation of LTCPs and the enforcement of achieving water quality standards. The DEC CSO Consent Order requires the DEP to reduce CSOs from the sewer system in order to improve the water quality of the surrounding bodies of water. This CSO Order on Consent requires DEP to submit ten LTCPs, specific for each waterbody, and one citywide LTCP to DEC. The purpose of LTCPs is to identify what CSO controls are necessary to comply with waterbody-specific water quality standards, which are consistent with EPA CSO Policy and the Clean Water Act. The ninth LTCP is focused on Newtown Creek. There are twenty-two CSOs on Newtown Creek.

LTCP Summary:

DEC's *Combined Sewer Overflow Long Term Control Plan for Newtown Creek* evaluates data from the Creek and identifies the best CSO control to put into place. The document is extensive, it goes through several phases of assessment before any recommendations are made. The recommended LTCP Elements that the City concluded, to meet water quality standards, include:

- Expansion of Borden Avenue Pumping Station to 26 MGD capacity, new diversion structure and gravity pipe from Outfall BB-026, and a new force main to the Kent Avenue Gate Structure.
- A storage tunnel that will capture 62.5 percent of the annual CSO volume from Outfalls NC-015, NC-083, and NC-077, with the final route to be determined during subsequent planning and design activities.
- A dewatering pumping station, a requirement for each tunnel alternative, will convey the retained CSO volumes from the storage tunnel to the treatment plant after a wet-weather event. Example and explanation of a dewatering pumping station [here](#).
- Related near-surface connecting conduits and structures; pipes, ducts, and other structures near the surface that would be installed.
- Elimination of the in-stream mechanical aeration for the Dutch Kills as contained in the 2021 CSO Order.
- Ranges of costs (in February 2017 dollars) for the recommended alternative are: NPW \$703M to \$730M, PBC of \$570M to \$597M, and annual O&M of \$5.0M.
- Compliance with Primary Contact WQ Criteria during the recreational season (May 1st through October 31st) based on 2008 rainfall, but not achieving compliance annually based on 2008 rainfall, or during the recreational season based on a 10-year continuous simulation. As a result, a [UAA](#) is included as part of this LTCP.
- DEP will establish with the DOHMH through public notification a wet-weather advisory during the recreational season (May 1st through October 31st) during which recreational activities would not be recommended in Newtown Creek. The LTCP includes a recovery

time analysis that can be used to establish the duration of the wet-weather advisory for public notification.

The *Combined Sewer Overflow Long Term Control Plan for Newtown Creek* also has a section titled “Long-Term CSO Control Plan Implementation” which writes “evaluations performed for this LTCP concluded that under baseline conditions, Newtown Creek does not attain existing water quality standards (Class SD) for bacteria and D.O. Even with 100 percent CSO control, Newtown Creek is not projected to fully attain water quality standards for bacteria in the head end portions of the Creek.” The document states that the LTCP elements to meet water quality standards were decided to be most effective, based on the data. DEP powerpoint on the LTCP can be found [here](#).

NCA Recommendations:

Before the final version was published in 2017, NCA was a part of the decisions made for the plan. The first DEP Public Open House for the Creek’s LTCP was in 2012, which was followed by the next five years of public advocacy letters leading up to the LTCP publication. Throughout the process NCA questioned certain decisions within the plan, and still has points of concern.

Points of Concern:

- + The estimated completion date of 2042 is discouraging, and means there will be significant impacts of ecology and human health.
- + 62.5% capture is inadequate, we believe that large-scale capture of CSO is the most viable solution to improving water quality. We support a storage tunnel that will capture 100% of CSO volume from the largest 3 outfalls on the Creek.
- + 62.5% is based on 2008 rainfall, which will need to be updated if the [NYC Panel on Climate Change](#) releases new data and projections of rainfall.
 - + The DEP believes that 2008 rainfall data is conservative and representative, currently and in the future.
 - + DEC has approved the use of 2008 data and a 10-year simulation.
- + Water Quality Standards are based on Class SD waterbody standards, which are not good enough.
 - + Newtown Creek is designated a Class SD waterbody, which is the class that has the lowest standards for water quality for saline surface water. Class SD waters are best used for fishing and should be suitable for fish survival.
 - + Look into Riverkeeper’s current lawsuit against EPA for a change in water quality standards based on Class SD, [here](#).
- + New York State is not using current Clean Water Act standards, read Riverkeeper’s post [here](#).
- + Develop plan for reducing CSO amongst all Newtown Creek CSOs. [Vision plan](#).
- + Greater investment in Green Infrastructure (GI) within Newtown Creek, especially Dutch Kills.