

August 12, 2022

Rohit T. Aggarwala  
Commissioner  
NYC Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

Dear Commissioner Aggarwala:

The Newtown Creek Alliance (NCA) is a community-based organization dedicated to restoring, revealing and revitalizing Newtown Creek in the boroughs of Queens and Brooklyn. We represent the interests of community residents and local businesses that are dedicated to restoring community health, water quality, habitat, access and vibrant, water-dependent commerce along Newtown Creek.

Since our organization's inception in 2002, we have worked very closely with NYC DEP and its dedicated staff on numerous issues and projects related to improvements in local water quality, the Newtown Creek Superfund project, green infrastructure, public access, as well as on-going ecological and human health impacts on our waterway such as illegal dumping and Combined Sewer Overflow (CSO). Given our history of positive working relationships with former DEP Commissioners, we wanted to formally introduce our work and highlight a number of specific opportunities where we see significant potential to partner together on short term projects that can achieve our respective missions.

### 1. Gateway to Greenpoint (in-progress)

In 2019, NCA, in close coordination with DEP, completed a community-led design for the [Gateway to Greenpoint](#) parcel - a long promised community amenity site - as part of the upgrade of the Newtown Creek Wastewater Resource Recovery Facility. With DEP's commitment to oversee maintenance of the parcel and work with NCA in securing funding we began lining up possible contributions from City Council, the Mayor's office and Borough Hall. Unfortunately, the pandemic all but dried up all of these funding sources in 2020, but not before we were able to secure \$175,000 from Councilmember Levin's office for the project. We have had continued dialog with DEP (including a recent on-site visit with Vinny Sapienza, Alicia West and other key DEP personnel) about the project and plans moving forward. We will revisit designs in the fall and are **eager to work with DEP leadership, Councilmember Restler, and Borough President Reynoso to secure the remaining funding necessary to complete this long awaited public space project.** Recent commitments by NYC DOT to completely redesign Kingsland Avenue along the parcel and down towards the Newtown Creek Nature Walk, further open possibilities for DEP to enhance this public space, and green infrastructure opportunities on the north side of its largest treatment plant.

### 2. 47th Street Aeration Lot

As part of the Newtown Creek Aeration project, a blower building was constructed on [47th Street in Maspeth, Queens](#). Adjacent to the blower building is a 40,000 square foot parcel of open land and shoreline. As per City Planning requirements, the development of the site in 2015 required the public waterfront access which [had been discussed by DEP and Queens Community Board 5 in the preceding years](#). Unfortunately, the DEP received a Mayoral override on the City Planning requirement and the community was left without public use or waterfront access. Following pushback from the community, DEP staff offered to allow [a local soccer club](#)

[to use the site](#) (which eventually fell through) and had verbally committed to creating public access on the site when the Kosciuszko Bridge project was completed (2019). The site remains vacant and fenced off, even the [concessional offerings of street trees and sidewalk benches](#) have failed to materialize. **There is strong support from Community Board 5 and the Councilmember's office to create public space and waterfront access at the site and our organization is eager to work with DEP to make this long deserved need a reality.**

### 3. Borden Avenue Pump House Upgrade

As part of the Newtown Creek Long Term Control Plan (LTCP), a significant upgrade is underway at the Borden Avenue Pump House in Long Island City, Queens. We very much look forward to the reductions in CSO that this project will create for the Dutch Kills tributary, however we believe that the project can create additional improvements for the Creek and surrounding community through incorporation of Green Infrastructure (GI) to absorb stormwater from the Long Island Expressway (which runs directly above the site) and landscaping to improve the harsh concrete conditions that negatively impact the area. While the [current construction plans](#) leave the site re-paved and sterile, **there is an easy opportunity to improve the project by further reducing the pollution** source (stormwater and CSO) that is the underlying reason for the LTCP and, **incorporating native greenery** that can improve local air quality and urban heat island impacts in a harsh industrial and designated Environmental Justice area.

### 4. Plank Road Shoreline Area

At the end of [58th road in Maspeth, Queens](#) lies one of the few true access points to Newtown Creek. Our organization began cleanup efforts here in 2013 to remove debris, manage plantings and transform an overgrown dumping site into an asset for local workers and nearby residents. Near the water's edge there are three DEP access vaults which the agency needs to access and maintain on a periodic basis. In the spring of 2017, NCA and DEP staff had a productive site visit to discuss long term access needs and **improvements that could easily be made on site, namely stormwater management via curb construction and rain gardens to better handle the excessive amount of street run-off that washes down.** We continue to host regular volunteer events to keep the site clean, but erosion and runoff, as well as poor maintenance of the catch basins, continue to create issues at the site. We would like to revisit the conversations from 2017 and find ways to make some DEP-led improvements at the site a reality.

### 5. Newtown Creek Monitoring Committee (NCMC)

NCMC was established by the City Council and played a vital role in the upgrade of the Newtown Creek Wastewater Resource Recovery Facility, which began in the late 1990s. During the peak of the upgrade NCMC was funded by DEP with a full-time community liaison and multiple technical advisors and monthly meetings were attended by NCMC, DEP, and the Councilmember and Assemblymember for over a decade. With the completion of the core plant upgrade work completed, NCMC took on a less active role, but still maintained regular meetings and had a part time community liaison. When the person in that position decided to retire (March 2018), DEP did not fill the position and offered to still have meetings as needed. However the role of who was to organize meetings, set agendas, etc was never defined and while both NCA and the Councilmember's office worked to make this possible - regular meetings between NCMC and DEP ceased to happen. There are still a number of outstanding issues (including the [6 year overdue biogas project with National Grid](#)) and outstanding DEP promises regarding the plant that need to be addressed and DEP has left

NCMC without an easy mechanism to have meetings, discussions, and resolve these issues. We know that Councilmember Restler has been very vocal about this concern and we join him in asking DEP to **commit personnel who will schedule, coordinate and run regular meetings with NCMC**. It was a wonderful example of agency and community collaboration, and can easily be reinvigorated to better enhance the needs of and communication between both parties.

## **6. Floatables in Newtown Creek (and Harbor-wide)**

In December 2017, DEP completed a major upgrade to the 4 largest CSO's on Newtown Creek by installing bending weirs (for CSO volume reduction), and trash capture devices called baffles. Since this project has been completed the amount of floatable debris exiting these CSOs has dramatically decreased, yet three of these tributaries are still blocked off with Floatable Containment Booms in place. These booms restrict the surface movement of water (which can be vital in helping to flush out CSO contaminants) and also inhibit navigability by small boats for recreational and research purposes. The booms have literally kept portions of our public waterways inaccessible to the public. With limited access comes limited use and patrol and thus continued illegal dumping along these shorelines.

According to DEP's Best management Practices Annual Report the vast majority of CSO containment booms are not collecting significant amounts of marine debris.<sup>1</sup> Eighteen of the total 23 CSO containment booms maintained by DEP collected 0 cubic yards of floatables in 2019. Approximately 97% of all 2019 collection was from just 3 containment booms (78% from the boom on the Bronx River alone). The 2018 numbers were even more stark with 96% of all harbor floatable collected from one source, the Bronx River containment boom.<sup>2</sup> With recent CSO upgrades in place to significantly reduce floatables and, as these numbers clearly indicate, we should question the value of the CSO booms and the necessity for keeping them in place.

**We believe the City is long overdue to remove CSO floatable containment booms that are no longer serving their intended purpose** (also includes waterways like Coney Island Creek and Flushing Creek) and instead **invest in new protocols and routines for removing marine debris from our public waters**. This could include working with local groups to better identify and address areas where floatables tend to collect; deploy static floatables removing devices; and/or focussing deployment directly after large rain events and/or extreme high tides.

## **7. Dutch Kills Wetland Project**

In 2018, the [DEP expanded upon an earlier pilot project](#) to re-introduce salt marsh habitat within the Dutch Kills tributary of Newtown Creek. Our organization and many other local advocates were very excited about this investment by DEP, and believe it can set a major precedent for restoration potential as things advance with the Superfund cleanup. However, the marsh areas have not been maintained in recent years which has led to predation by Canada Geese and an almost complete loss of all the cordgrasses. **NCA, along with our partners from LaGuardia Community College (CUNY), would like to work with DEP to replant the damaged areas and reinstate a joint maintenance plan**. We have had a great working relationship with the

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<sup>1</sup> Appendix 7.2.2: Table 7.2-B - City-Wide Floatable Material Recovery Per CSO Floatable Containment Sites, 2019  
<https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/spdes-bmp-cso-annual-report-2019.pdf>

<sup>2</sup> Appendix 7.2.2: Table 7.2-B - City-Wide Floatable Material Recovery Per CSO Floatable Containment Sites, 2018  
<https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/spdes-bmp-cso-annual-report-2018.pdf>

DEP team that oversaw this project, and are currently exploring federal funding opportunities for restoration and abandoned barge removal in Dutch Kills - but continued interest within the agency would go a long way.

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In closing, we welcome the opportunity to discuss any and all of these projects at your availability. We would also welcome the opportunity to host you for a visit to our headquarters at Kingsland Wildflowers Green Roof (located just across the street from the Newtown Creek WRRF) and organize a land and/or water based tour to see some of these sites and opportunities together in person. Thank you for your time.

Sincerely,



Willis Elkins  
Executive Director  
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