



November 26, 2024

Ryan Waldron
NYS DEC - Division of Water
Bureau of Water Compliance
625 Broadway, 4th Floor
Albany, NY 12233-3506

Angela Licata
Deputy Commissioner for Sustainability
NYC Department of Environmental Protection
59-17 Junction Blvd
Flushing, NY 11368

Sent via Email

Dear Ryan Waldron and Angela Licata,

We are writing in regards to the Newtown Creek Long Term Control Plan (LTCP) modification. We appreciate NYC DEP's willingness to engage both of our organizations, as well as elected officials representing Newtown Creek districts, in conversations regarding a proposed modification to the LTCP. Last winter, NYC DEP presented (virtually) to our organizations and elected officials on January 25th, 2024 and February 29th, 2024 and gave a public presentation to the Newtown Creek Superfund Community Advisory Group on February 21, 2024. These meetings were helpful to convey the general goals of the LTCP modification, but during each meeting the details were in flux with many specific questions left unanswered. To date, neither of our organizations, nor elected officials, and most importantly the general public, have been presented with a final LTCP modification proposal for review or feedback.

The [NYS DEC Public Notice](#), originally published on October 30, 2024, includes general information about the modification, but does not convey sufficient information for the public to properly understand the details of the modification, and how it will substantially help Newtown Creek achieve Clean Water Act objectives. Additionally, information on the public notice is presented in an inconsistent manner. For instance, the notice states that the 62.5% CSO Storage Tunnel is being replaced by a 50 MG Storage Tunnel, but without the necessary information to know how an annual percentage reduction corresponds to a tunnel size.

Given that NYC DEP has not presented the final LTCP modification to the public, and that the NYS DEC Public Notice does not provide sufficient details on the modification, we formally request:

1. NYC DEP present the final LTCP modification to the general public, to help inform the public's understanding and ability to sufficiently comment on the proposal;
2. NYS DEC extend the current comment period to a minimum thirty days from the aforementioned NYC DEP public presentation.



The proposed modification will significantly impact Dutch Kills and the surrounding communities, and is the only time that the LTCP for Newtown Creek has been reopened since it was established. Without details on the final modification, the public cannot provide adequate comments.

We look forward to ongoing dialog about the LTCP and steps towards improving water quality in Newtown Creek.

Sincerely,

Mike Dulong
Senior Attorney, Riverkeeper
mdulong@riverkeeper.org

Willis Elkins
Executive Director, Newtown Creek Alliance
welkins@newtowncreekalliance.org

CC:

US Congresswoman Nydia Velazquez
NYS Assembly Member Emily Gallagher
NYS Assembly Member Maritza Davila
NYS Assembly Member Elect Claire Valdez
NYS Senator Julia Salazar
NYS Senator Michael Gianaris
NYS Senator Kristen Gonzalez
NYC Council Member Jennifer Gutierrez
NYC Council Member Robert Holden
NYC Council Member Julie Won
NYC Council Member Lincoln Restler
Brooklyn Borough President Antonio Reynoso
Queens Borough President Donovan Richards
Stephanie Vaughn, US EPA