



The Honorable Angela Licata
Deputy Commissioner for Sustainability
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

CC:

Pinar Balci, Assistant Commissioner, NYC DEP
Melissa Enoch, Acting Managing Dir., Green Infrastructure Planning & Partnerships, NYC DEP
Michael Deloach, Deputy Commissioner, Public Affairs, NYC DEP
Mikelle Adgate, Senior Advisor for Strategic Planning, NYC DEP
Christos Tsiamis, Gowanus Project Manager, EPA Region 2
Brian Carr, Legal Council, EPA Region 2
Natalie Loney, Community Liaison, EPA Region 2
Nydia Velazquez, US Congressional District 7
JoAnne Simon, State Assembly District 52
Brad Lander, NYC City Council, District 39
Stephen Levin, NYC City Council, District 33
Peter D. Fleming, Chairperson, Community Board 6
Mike Racioppo, District Manager, Community Board 6

January 6, 2021

RE: Follow-up to December 2 Gowanus Infrastructure Meeting & NYC Department of Environmental Protection Proposed 2021 Unified Stormwater Rule

Dear Deputy Commissioner Licata,

This letter is a follow-up to the December 2, 2020 Gowanus Precertification Meeting on *Infrastructure* hosted by Brooklyn Community Board 6 via Zoom. At this meeting, the NYC Department of Environmental Protection (DEP) presented on potential impacts of the Gowanus Rezoning to the stormwater and sewer infrastructure serving the neighborhood and the new Citywide Unified Stormwater Rule (USWR). We appreciate DEP's presentation and overview of the new legislation as it relates to the Gowanus Rezoning's anticipated new development, which is projected to bring 18,000 new residents to the neighborhood.

As you know, Gowanus Canal Conservancy (GCC) has been closely following the legislative process and forthcoming implementation of the new citywide USWR. We have previously expressed our concerns that the proposed rezoning will result in increased sewage and

stormwater pollution to the Gowanus Canal if not mitigated, and we have urged the City to take measures that ensure net zero combined sewer overflow (CSO) in the Gowanus Canal as a result of any new development.

We believe that the USWR is an important step to achieving net zero CSO and improved water quality in the Gowanus Canal. During the Dec. 2nd meeting, we were further encouraged by DEP's projection that the USWR will significantly reduce stormwater runoff and offset the increase in sanitary flow anticipated by new development for an overall CSO reduction of 5 million gallons per year. Additionally, we appreciate DEP's clarification on several outstanding community concerns regarding the USWR through their Rezoning Analysis (Slide 19), which included an overview of their modeling assumptions.

However, there are still several outstanding questions about these assumptions that must be addressed in order to show clearly that the USWR is achieving the goal of mitigating future pollution of the Gowanus Canal. These questions must be addressed as both the Rulemaking and Gowanus ULURP processes move forward:

1. What is the impact of development and the USWR on the scale of individual CSO outfalls and sewer capacity leading to those outfalls?

A critical concern that was not addressed in DEP's December 2 presentation is a clear indication of the future localized impacts of additional wastewater on CSO outfalls. In order to understand the local impacts, DEP must present both existing and future metrics for annual CSO volume and frequency by **each individual outfall along the Gowanus Canal** in order to determine whether sewer infrastructure in these local areas require upgrades to provide adequate conveyance and prevent overflows to the Canal.

2. How is DEP modeling baseline drainage conditions in Gowanus, particularly on waterfront sites?

Many of the waterfront sites are currently discharging a portion of their stormwater flow directly to the Canal. It is unclear whether DEP is assuming that all stormwater falling on or flowing from lots in the Gowanus Rezoning area is currently routed to the combined sewer system. If this is the assumption, the model potentially overestimates the amount of stormwater that will be managed by the USWR.

3. Is the model accounting for property sites that are not able to install infiltration GI practices on the ground (i.e. bioretention, rain gardens)?

Many of these sites over 20,000 SF in Gowanus, especially those along the waterfront, will be unable to implement infiltration practices due to the high water table and/or history of contamination. In order to realistically project the overall impact of the USWR, DEP must anticipate the likeliness of infiltration infeasibility on many of the sites in the Gowanus Rezoning area.

4. What would the impact of development and the USWR be if all "potential and projected development sites" were built out?

The December 2 presentation showed the impact of development on the “projected development sites” outlined in the Gowanus Draft Scope of Work. This analysis excludes the “potential development sites” which GCC has recommended be included as part of the Draft Environmental Impact Analysis to realistically assess the Reasonable Worst Case Development Scenario.

5. **With the expected increase in sanitary flow and overall reduction of stormwater contributions, will CSO discharges be more heavily concentrated with sewage, and how will that impact water quality?**

The community has repeatedly posed this question without a clear response from DEP.

6. **Under the USWR, will permit applicants be required to submit a “No Net Increase (NNI)” Analysis, similar to what is currently required under the MS4 regulations?**

To date, DEP has given two public presentations on the USWR (Unified Stormwater Workshop - November 5th, 2020 & Gowanus Infrastructure Meeting - December 2nd, 2020). Neither of these presentations mentioned whether or not the new requirements would include a “No Net Increase” analysis component as part of the permitting process. Under MS4, the NNI analysis ensures an accurate assessment of baseline conditions and the development of a Stormwater Pollution Prevention Plan (SWPPP) that targets local pollutants of concern. Under the USWR, the NNI analysis would provide an opportunity to address net CSO increases, particularly important for impaired waterways with Long-Term Control Plans (LTCP) in place, or Superfund sites with requirements to protect the established remedy from pollutants of concern.

We appreciate DEP’s commitment to community engagement and improved water quality in Gowanus and look forward to participating in further discussions.

Respectfully,
Gowanus Canal Conservancy