



September 5, 2017

NYC Watershed Section
Bureau of Water Supply Protection
NYS Dept of Health
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Albany, NY 12237

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To Whom It May Concern,

The Delaware Riverkeeper Network offers the following comment on the proposed 2017 New York City Filtration Avoidance Determination. The Delaware Riverkeeper Network supports the FAD and believes the program New York City has put in place and seeks to continue and strengthen should be approved as the best way to protect drinking water for New York City and State residents as well as to protect and enhance the beautiful ecosystems that bring extended benefits for the environment, the economy and community quality of life. This program will also provide critical protections for all communities who live downstream of the reservoirs in the form of water quality and quantity protections, and enhancements which benefit drinking water, aquatic life and ecosystems, threatened and endangered species, recreation, ecotourism, local and regional economies, as well as health, safety and quality of life.

The FAD as proposed builds upon over 24 years of work and success. It is important to protect the accomplishments put in place to date while at the same time continuing forward progress that will ensure changed conditions and actions in the future do not degrade the quality of New York City's drinking water.

The Delaware Riverkeeper Network offers the following specific comments for consideration:

Septic System and Sewer Program: We appreciate this aspect of the FAD program. Providing financial assistance to ensure septic systems are properly operating and maintained is valuable and important to homeowners, businesses and the environment. But we are concerned that

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including in this effort a commitment to support design and construction of new sewer connections to wastewater treatment plants will be counter-productive. While it might seem more cost efficient in the near term, we are concerned it will have adverse impacts for water quality that could prove in the end to be more costly. It is the experience of the Delaware Riverkeeper Network that more connections to wastewater treatment plants begets increased development which causes increased stormwater runoff and water pollution problems. Therefore we are concerned about this aspect of the FAD and encourage that it either be removed or that there be a specific limitation that ensures the new connections will do no more than support the home or business that it is intended to connect.

Land Acquisition Program: The Delaware Riverkeeper Network strongly supports the land acquisition program as a key element of protecting water resources, the watershed, and water based ecotourism and encourages that this program be kept as strong and robust as possible.

While we understand why the City is proposing to stop or reduce solicitations in some communities for land acquisition until assessments are concluded and resulting conclusions reached, we agree it is vitally important that in all communities including these, that the Streamside Acquisition Program and City Funded Flood Buyout Program continue unabated. The increasing intensity of storms and rainfall is ample demonstration for why continuation of these two programs is so important. The Flood Buyout and Streamside Acquisition programs are tremendously important investments for the FAD in that they both protect water quality, but also provide habitat, ecotourism, recreation and safety benefits that magnify the benefits of every dollar invested. These additional benefits from such purchases also help to support and enhance community support for the FAD and all elements of the program.

We also think it is important and appropriate that in every instance the City continue to respond to, and if appropriate from a water and land conservation perspective to accept, incoming solicitations initiated by landowners. Landowners who are seeking to move out of the area by their own choice and who are interested in selling to the City, are a wonderful opportunity to advance the water and environmental protection goals of the land acquisition program in a way that is beneficial to the City in that it reduces the time and labor for having to identify and pursue a parcel for purchase, it allows a homeowner a potentially faster and more cost efficient mechanism for sale, and in those instances where flooding or other impacts are drivers in a homeowner's decision, it prevents the immoral resale of a home subject to flood damages to another family who will inevitably suffer in due time.

Stormwater Program: The Delaware Riverkeeper Network absolutely supports funding for implementation of stormwater projects that are beneficial to water quality. But we believe it would be important and valuable to make clear that highest priority will be given for projects that address stormwater volume – as volume reduction provides highest water quality benefits while it also helps address flooding, erosion and other stream and community impacts. Getting multiple benefits for every dollar spent allows the City to get maximum value for its waterway, water quality, watershed and community protection investments/efforts. In addition, addressing volume in a way that reduces flooding and flood damages, and erosion impacts, also avoids having to invest other dollars to address these issues and it prevents communities from feeling

compelled to advocate for other damaging solutions like rip rap, stream reaming, dredging – avoiding the need for such debates or even the specter of such damaging projects is similarly valuable to the community appreciation and respect for the FAD and the City’s Watershed Protection programs.

Stream Management Program: The Delaware Riverkeeper Network supports the Stream Management Program. If anything we would like to see this initiative expanded. We would also like to see restoration of 100 foot forested buffers to be a clearly articulated goal of every restoration project to the greatest degree possible. The work of the Stroud Water Research Center makes clear that 100 foot forested buffers does not only prevent water pollution resulting from overland flows, but it also ensures a healthy ecological stream community that removes pollution from the water column. Given the double benefits of the 100 foot forested buffer, it would be important to include 100 foot buffers as an explicit, upfront, and priority goal for the program.

Regarding the program for expedited approval of riparian and stream activity after a flood, the Delaware Riverkeeper Network is very wary of such a program. In the past, in New York state, we have seen such expedited approval programs misused to inflict incredible damage on stream and riparian corridors. Clearing, dredging, straightening are undertaken under the guise of an emergency service or need. General permits, truncated reviews, check the box applications, empowering third party consultants to be used to shorten or bypass agency technical reviews, are all pathways to extreme damage and harm. The Delaware Riverkeeper Network believes that rather than truncating reviews the agencies should redirect financial and staffing resources to allow for the standard reviews to happen more quickly in the wake of a flood. We should not be relaxing our standards or protections, instead we should be taking the steps necessary to make sure reviews and approvals implementing existing laws are handled more quickly. To the degree such expediting programs advance, the Delaware Riverkeeper Network would welcome the opportunity to be part of any committees or task forces put in place to consider, review, or oversee such programs.

Ecosystem Protection Program: Bringing together the forestry, wetlands and invasive species programs into an ecosystem protection program makes sense.

While we hope to see the above suggested adjustments, the Delaware Riverkeeper Network strongly supports the 2017 FAD.

Respectfully submitted,



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the Delaware Riverkeeper Network