

US EPA ARCHIVE DOCUMENT

## NEW YORK CITY'S URBAN WATERSHED USE AND STANDARDS ATTAINMENT PROJECT

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A major new effort, the Use and Standards Attainment (USA) Project, was launched by the New York City Department of Environmental Protection (DEP) in August 1999 as part of its continuing efforts to maintain and improve water quality in New York Harbor and its environs. The DEP has initiated a comprehensive watershed-based approach to consider all of the causes of non-attainment of water quality standards and opportunities and requirements for maximizing beneficial uses. These are to include shoreline uses, aquatic and riparian habitats, and benthic conditions, as well as water quality. This approach involves conducting waterbody/watershed assessments of more than 20 waterbodies in the New York Harbor complex. Stakeholder involvement will be strongly encouraged to insure a successful outcome for this initiative.

The DEP has completed facilities plans and is implementing a multi-phase program to address the impacts of combined sewer overflows (CSOs) and water pollution control plants (WPCPs) on these waterbodies. The program aims at particular water quality parameters such as dissolved oxygen, coliform bacteria, floatables, settleable solids, oil and grease, and nuisance conditions. Current DEP CSO facility plans use "knee of the curve" analyses to develop cost-effective, primarily technology-based projects that will improve water quality and mitigate nuisance problems. However, because of other sources of pollution in the watersheds, WQS will not be met in many locations even if CSOs were completely eliminated.

This situation presents a serious problem for the DEP. Even with very large capital expenditures on major CSO projects and some improvement in numerical values of key water quality parameters, full attainment of beneficial uses of waterbodies may not be achievable in many cases. Thus, the lack of attainment of WQS leaves New York City vulnerable to intervenor suits and/or future actions imposed by the NYSDEC. On the other hand, non attainment of the numerical limits for key water quality parameters in the standards may not preclude attainment of many of the intended waterbody uses implied in the classifications and standards. In these cases, attainment of beneficial uses may assist the City to achieve compliance with legal requirements without meeting the standards' numerical limits.

As a result, DEP has made several recommendations to address the technical, regulatory and water quality dilemma that the City faces. These include: assessing all future water quality management projects (and reassess, as appropriate, current projects) using a water quality-based/water use analysis; reassessing CSO projects using the demonstration approach of the 1994 U.S. Environmental Protection Agency CSO Policy; using a watershed/sewershed approach; integrating all planning activities into one work plan for each watershed/sewershed; and evaluating and recommending innovative technologies and approaches to attain non-traditional goals such as riparian habitat, shoreline and access improvements and watershed management methods for benefits in addition to water quality improvements in the water column.

The proposed 15 minute presentation will focus on three topics:

- do dissolved oxygen standards need to be attained everywhere, at all times, in large urban estuaries to attain the "fishable" goal of the CWA (question 6);
- what are appropriate subcategories of recreational uses in large urban settings which satisfy the "swimmable" goal of the CWA (questions 4 and 5);
- how should UAA criteria be applied to urbanized estuaries when they were seemingly developed for freshwater streams (question 10).

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