

Our Water, Our Future

Croton Watershed Clean Water Coalition Newsletter



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***Our Water, Our Future** is the newsletter that keeps you, our valuable members, on the leading edge of watershed protection activities. With the generosity of the Noyes Foundation, both this newsletter and our website, www.newyorkwater.org, have been made possible.*

A CHALLENGE TO NEW YORK CITY OFFICIALS AND TO CONCERNED RESIDENTS

Since, over ten years ago, New York City decided not to apply for filtration avoidance for its Croton System (in contrast to its Catskill/Delaware System), the City's Department of Environmental Protection (DEP), in charge of the City's water, has been seeking reasons after the fact for having made this decision.

AT THE TIME, in 1991, Croton water did appear to be on a downward trend, although it did readily fulfill all state and federal health standards. A Consent Decree agreed to by DEP, NYS Department of Health (DOH) and the US Environmental Protection Agency (EPA) laid down the terms under which NYC had to provide for chemical treatment and filtration for the Croton. However, since that time, improvements in stormwater management and upgrades of sewage treatment plants have kept water quality within those standards, despite the pressures of development in the watershed. The case for filtration has become weaker, not stronger, with the passing of time.

FOR THE PAST ten years, the main case for building the \$1.5 billion plant appeared to rely solely on non-health related problems with the Croton such as seasonal color and odor issues. More recently, the City has publicized one regulatory exceedance of a by-product that results from the use of the disinfectant chlorine, a routine part of the current disinfection practices used in all three watersheds. This single "transgression," we are told, justifies filtration. The apparent sloppiness and inconsistency of the DEP argument for Croton filtration suggests that none of these problems, either singly or collectively, are applicable to filtration. It may suggest that this is an agency in the throes of political wrangling.

Last month, N.Y. Governor Pataki signed into law the ‘park alienation’ bills, allowing portions of Van Cortlandt Park in the Bronx to be converted to an enormous industrial site to house the chemical filtration/treatment plant for the Croton costing a minimum of \$1.5 billion. As accommodation, the Borough of the Bronx has been promised more than \$200 million in parks improvements. Although the Mayor Bloomberg approved such actions, the source of these funds has not been named, nor a timeline for its usage. This should be a matter of concern, as DEP has a poor track record on maintaining such promises.

NEW YORK CITY’S THREE WATERSHEDS

The Croton Watershed Clean Water Coalition has, since its inception in the late 1990s, declared a single mission: to protect the watershed of the Croton water system. “Protection” here encompasses an extra dimension, though, something unique to this watershed. It is to combat the inevitable demise of the watershed should the chemical treatment/filtration plant, as consented to in the last decade by the City of New York, the U.S. Environmental Protection Agency, and the NYS Department of Health, come to pass.

The Catskill watershed and the Delaware watershed are the two others that, with the Croton, comprise the mighty water system of New York City and for some of its northern neighboring municipalities. They are currently free of the specter of filtration, because of the City’s and State’s long-term desire for filtration avoidance

CWCWC believes that filtration is not needed for the Croton and that a vigorous watershed protection program, together with an additional disinfectant, will provide clean, safe, affordable water for the 9 million people who rely on New York City water.

for both systems. DEP’s efforts, to date, have been appropriate and well-guided in maintaining clean and functioning watersheds, and thus has allowed for continued filtration avoidance. Filtration avoidance is not a single event. Every five years, the systems come up for scrutiny, so state-of-the-art, as well as watershed practices tried-and-true, are studied and implemented in order to satisfy the tenets of the Safe Drinking Water Act, and to keep the Cat/Del a shining example of farsighted, efficient, and economical governmental efforts.

But, not so for the Croton. It is the original watershed for the City and despite its smaller size, a remarkably resilient and naturally suited watershed. State agencies, such as the Department of Health, repeatedly cite infractions emanating from the reservoirs of the Croton. The DEP claims that the little gem of the NYC system will crumble under the pressures of development and the radiating scourge of impervious surfaces that are reaching into the woods and waterways of the two counties, Westchester and Putnam, that are home to the 11 Croton reservoirs. Yet, neither claim to deficiency is true. The only infractions, to date, concerning the Croton are those that are not health-related; they are only aesthetic (color and odor), and the *single* exceedance that occurred for the first time ever this past month. The DEP has shown itself to be competent in applying watershed principles and to applying new ideas in water treatment, through its activities in the Cat/Del watersheds. The Croton has intrinsic good health, as show by its crypto and giardia readings, some of the lowest in the country and frequently half of those of the Cat/Del; it has ample supply, as shown during last year’s severe drought, during which it supplied 30% of the NYC area’s needs, delivering clean water continuously with little assistance when the Cat/Del reservoirs were perilously low. Put this all together, and what we have is a well-functioning reservoir system in need only of good stewardship, not further degradation.

The conclusion is clear: the Croton deserves the same privileges and same benefits afforded so generously and successfully to the Cat/Del. The Croton is on the brink of being delivered into the hands of elected officials and developers who are counting on a distracted and gullible public to aid and abet them in this sly transfer of a public asset to an insidious dismantling for private-wealth gain. The recent approval by local, NYC and New York State politicians of the alienation of portions of Van Cortlandt Park has nothing to do with public health and everything to do with political pressure by the construction unions and others who will benefit from the construction of the plant and the subsequent ruination by development of the Croton watershed.

CWCWC maintains that the Croton Watershed and its tributaries and wetlands can and should be saved -- that with moderate levels of intervention, the Croton can continue to deliver its excellent water for generations to come. Studies by top scientists in the field have indicated that the technology advocated by CWCWC is suited for the topography and water characteristics of the Croton system. Implementation would need only the present infrastructure, with only some adaptations. Today is not too late. Much of what is necessary to achieve a suitable standard of protection is already in place, with enforceable regulations, and problem sites in the watershed already identified. The *Croton Watershed*

Clean Water Coalition Action Plan, which has been distributed to many key agency officials and members of Congress, and the N.Y. State Assembly and Senate, discusses this in full. Following is the *Plan*, in abridged form . . .

◆ **The CWCWC Watershed Protection and Action Plan** ◆

**It is indisputable that the
THE PUBLIC HEALTH CONCERNS
of the early 1990s regarding the Croton watershed
HAVE FAILED TO MATERIALIZE**

Predicated on this fact is the CWCWC Action Plan, with the following points:

- ◆ **FULL WATER PROTECTION** for the Croton watershed involves the implementation of new programs, the enforcement of existing rules and regulations, and the acceleration of existing programs to a level of activity commensurate with what is taking place in the Cat/Del. In particular, the Croton Watershed's abundant wetlands, forests, and recharge areas that are the hallmarks of the Croton and elements that make for a successful and healthy watershed must be protected.
- ◆ **LAND PURCHASES** in the watershed should be increased beyond their present low levels. The CWCWC estimates that the State and City need to purchase or protect approximately 15,000 additional acres. That will accomplish two goals: It will mean that 25% of the watershed will be unavailable for development, an EPA benchmark. Since land is expensive, DEP should engage in a vigorous program of negotiating conservation easements with watershed landowners. This would lower taxes for individual landowners while, at the same time, allowing them to retain ownership subject to some restrictions.
- ◆ **DEP, DEPARTMENT OF TRANSPORTATION (DOT), AND DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEC)** should accelerate remediation of the sites of pollution ably identified in the work down by Trout Unlimited, with the support of the CWCWC, Sierra Club, and the New York Water Watch. A study by DEP's Dr. Kimberlee Kane shows that more than 80% of the phosphorus loading to the reservoirs is from nonpoint sources. Trout Unlimited identified more than 200 sites where such runoff is occurring, and it exhaustively studied the 50 most egregious sites. The regulatory agencies have done little in the past 2 years to remediate any of those sites, and immediate action is needed.
- ◆ **DOT, DEP, and DEC** should take better advantage of the undeniable willingness of the public to work to protect the natural conditions of their surroundings. Public feeling on this issue is high. For example, the towns of Ardsley, Bedford, Dobbs Ferry, Irvington, Lewisboro, North Salem, Pound Ridge, Somers, Tarrytown, and Yorktown have passed referendums recently increasing local taxes to provide money to make purchases to ensure open space. What the counties and towns need is an infusion of the expertise of the EPA, DEP, and DEC. They should assist the municipalities to follow the suggestions made by Trout Unlimited and help the municipalities effectively remediate known runoff sites. The NYS DOT should work to correct failures of roadway infrastructure, a constant source of pollution delivery. The commitment of the public is evident. A similar commitment by the authorities is what is needed.
- ◆ **TAKE ADVANTAGE OF EXISTING PROGRAMS** to upgrade wastewater treatment plants located within the Croton watershed to tertiary levels with microfiltration. The Watershed Inspector General has indicated that doing so would significantly improve the capability to remove pathogens and significantly reduce the discharge of problematic nutrient phosphorus into watershed reservoirs. The immediate concentration should be on plants at Hallock's Mill in Yorktown and Bedford Hills Correctional Facility in Bedford Hills. DEP has stalled with regard to the Croton, emphasizing instead the plants west of the Hudson. DEP is also apparently actively entertaining the idea of diverting the wastewater from the treatment plants by pipeline into the Hudson River instead of treating it with upgraded technology. Such a plan would pave the way for more development and should be discarded.
- ◆ **THE PROHIBITION AGAINST** the construction of galley systems put in place by DEP at the urging of the CWCWC and Riverkeeper should continue to be enforced.
- ◆ **ALL PROJECT APPLICANTS** who are required to submit a Stormwater Pollution Prevention Plan (SPPP) should be compelled to submit the SPPP as part of the initial site plan, instead of permitting such filings after approval of the site plan, as is often the case now.

- ◆ ENFORCEMENT SURVEILLANCE needs to be instituted for urban runoff from pipes, erosion gullies, ditches, sluices, and the like.
- ◆ THE PHASE 2 REGULATIONS for the whole East of Hudson need to be strictly enforced.
- ◆ WETLANDS REGULATIONS and rules need to be enforced vigorously.
- ◆ THE LEAKS IN THE PIPES in the Croton distribution system should be fixed, or the pipes should be replaced, as necessary. This includes making long-overdue repairs to the New Croton Aqueduct.
- ◆ FOR NEW CONSTRUCTION, no more than 10% impervious surface should be allowed within any on-site drainage basin. Impervious surfaces should be prohibited from aquifer recharge areas.

TREATMENT TECHNIQUES

IN ADDITION TO THE watershed management program, new treatment techniques are available to be pilot-tested to assure that the Croton system will comply with future federal requirements for a second disinfectant (required for unfiltered systems), and a log reduction in cryptosporidium and giardia, viruses and bacteria. A concern is that chlorine alone will not fulfill the crypto requirements. Crypto has not been responsible for any health problems in New York City, and there are viable disinfectants such as chlorine dioxide or ozone that can be added to chlorine to achieve the requisite reduction in pathogens, including crypto. Watershed management affects the treatments to be studied. Upgrading the wastewater treatment plants

If the regulatory authorities were as diligent in protecting the Croton Watershed as in advocating its filtration, then Croton water quality would greatly improve and preclude any need for filtration, although it is of very high quality already.

will reduce pathogens substantially. Reducing phosphorus will mean less chlorine is needed for disinfection, which in turn will reduce disinfection by-products. EPA is concerned that Croton waters will be unable to meet more stringent, but as yet unapproved regulations, for one of these by-products called haloacetic acids. Chlorine dioxide, as well as ozone, does not produce haloacetic acids or another group of troublesome byproducts called trihalomethanes as disinfection by-products. Thus, they are especially well-suited to meet these future standards for crypto, giardia, viruses and bacteria, as well as eliminate the problem of the unwanted disinfection by-products. This is further proof that a massive industrial filtration complex, to the tune of \$1.5 billion, is not needed.

The CWCWC has been in discussions with engineering/consulting firms that have developed a comprehensive treatment technique utilizing chlorine dioxide to optimal advantage in the particular Croton configuration. The CWCWC believes the plan is feasible, and should be explored in a pilot program without further delay.

If the regulatory agencies – EPA and DOH – are truly concerned that the haloacetic-acid exceedance is a threat to public health, they should not allow seven or more years to pass until the filtration plant is built. DEP should install interim measures, such as chlorine dioxide or ozone, both of which could fulfill all present and future federal regulations pertaining to drinking water standards. Both, chlorine dioxide in particular, could be installed in a shorter timeframe than a filtration plant. Such alternative technologies could be pilot-tested and installed at a fraction of the cost of the proposed \$1.5 billion chemical treatment/filtration plant.

FROM THE NYS “DEPARTMENT OF DO WHAT I SAY, NOT WHAT I MEAN” (A TRUE STORY)

In March, 1993, an expert panel appointed by EPA wrote a report recommending that the Cat/Del waters be filtered. Four scientific members of the EPA, who had been peer reviewers during the work of the panel, supported the panel. The reasons the panel gave for believing that the Cat/Del needed to be filtered were:

- ◆ Only a small part of the catchment was under City control, and the City could not exercise control of human activities to avoid adverse microbiological impact
- ◆ The City could meet fecal coliform and turbidity levels only by periodically removing a reservoir from service

- ◆ There was no evidence of waterborne disease outbreaks, but there was no active surveillance system in place
- ◆ The City could meet existing standards for disinfection by-products, but there was a concern that the City might not be able to comply with lower limits in the future
- ◆ Filtration avoidance would set a bad example for systems with similar watershed conditions
- ◆ The panel was concerned about a potential risk of cryptosporidium, and
- ◆ The panel thought the estimates for building a filtration plant were inflated.

It is ironic that EPA and the State of New York rejected the reasoning of the panel and, instead, pursued and achieved filtration avoidance for the Cat/Del. Yet, today it employs that rejected reasoning as additional justification for filtering the Croton.

FINALLY,

We are puzzled by Mayor Bloomberg who, soon after taking office, appeared before the State legislature in Albany and asked for financial help for the City. At that hearing, during an exchange with Senator Vellella, the mayor stated that he would like to forego filtration, a point of view with which the senator agreed. Yet, just two days later, the mayor started to retract that statement and shortly thereafter did a complete turnaround.

We also question why DEP Commissioner Christopher Ward who, at first, seemed amenable to discussing CWCWC's proposed alternative plan to filtration, but has now followed the same course as the mayor. He has completely reversed his position, supporting filtration as a 'health' issue. He has avoided every opportunity for a full discussion of filtration, yet has been unable to rebut the points of the CWCWC argument.

And we question whether either of these two leaders is following the path of best serving the public, i.e., providing safe, clean water at the least cost. Are they merely following the path of political expediency and succumbing to the pressures of the powerful construction unions and developers, each of whom would reap massive benefits either in terms of jobs or in terms of enormous financial returns for their investments in developing the remaining open land in the Croton watershed? An increasingly skeptical public is demanding honest answers as well as a sound use of tax money.

THE POSSIBILITY IS WITH THE CITIZENS

Currently, CWCWC is pursuing a number of avenues and working closely with several citizen, environmental and religious groups to continue the fight against improper filtration. If you would like to help us help all of us, would you please undertake any or both of the following?

- ◆ If you are a resident of the Bronx, become active with some of these organizations that are working to avoid the siting of the plant in Van Cortlandt Park. Contact Fay Muir at 718-944-4668 or fumir@aol.com; Carolyn Zolas at 718.884-8482 or zolas@optonline.net to learn more about these groups.
- ◆ Write to Governor George Pataki and ask that in the next budget he assign funds for additional staff—water and wetlands professionals—for the DEC. With DEP enforcement responsibilities, the DEC is currently severely understaffed and unable to do a satisfactory job monitoring the watersheds.

***THANK YOU FOR ALL OF YOUR HELP AND INTEREST !
BE SURE TO VISIT THE CWCWC WEB SITE:
WWW.NEWYORKWATER.ORG***

