



Department of  
Environmental  
Conservation

## ENB Region 2 Notices 10/19/2022

### Public Notice

The New York State Department of Environmental Conservation (NYS DEC) has received a **Brownfield Cleanup Program (BCP)** application from **GIC Queens LLC** for a site known as **40-40 Northern Boulevard, site ID #C241268**. This site is located in Long Island City, in the City of New York, within the County of Queens, and is located at 40-30 - 40-40 Northern Boulevard.

Access the [application and other relevant documents](https://www.dec.ny.gov/data/DecDocs/C241268/) online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C241268/>. The documents also are available at the document repositories located at the Queens Public Library - Long Island City Branch, 37-44 21 Street, Long Island City, NY 11101 and at Queens Community Board 2, 43-22 50th Street, 2nd Floor, Woodside, NY 11377.

There are several ways to comment on BCP applications. Comments can be submitted to: Marnie Chancey, NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7016, Phone: (518) 402-3262, E-mail: [Marnie.Chancey@dec.ny.gov](mailto:Marnie.Chancey@dec.ny.gov). **All comments must be submitted by November 18, 2022.**

Site [information](http://www.dec.ny.gov/cfm/external/index.cfm?pageid=3) can be viewed by entering the site ID noted above at: <http://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>.

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to NYS DEC's [Contaminated Sites E-mail List](http://www.dec.ny.gov/chemical/61092.html) at: <http://www.dec.ny.gov/chemical/61092.html>.

### What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the New York State's [Brownfield program](http://www.dec.ny.gov/chemical/8450.html) is available at NYS DEC's website: <http://www.dec.ny.gov/chemical/8450.html>.

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**2022 Flushing Bay Tunnel Modification to Order on Consent between the City of New York and the New York City Department of Environmental Protection (NYC DEP) and the New York State Department of Environmental Conservation (NYS DEC), DEC Case No. CO2-20000107-8, a.k.a. NYC CSO Order.**

**Counties:** New York (Manhattan), Richmond (Staten Island), Kings (Brooklyn), Bronx (Bronx) and Queens (Queens)

**Lead Agency:** New York State Department of Environmental Conservation (NYS DEC)

**Brief Description:**

The NYC CSO Order was executed between NYS DEC and NYC DEP in 2005 and has been modified several times since executed. The NYC CSO Order includes various milestones and projects associated with abatement of Combined Sewer Overflows (CSOs) within New York City. NYS DEC and NYC DEP have identified desired changes to the NYC CSO Order. Pursuant to Paragraphs XVI.A and D.3 of the NYC CSO Order, NYS DEC is required to publicly notice "[i]n the event of a substantive and significant modification to the construction compliance schedules provided for in this Order." A copy of the entire [2022 Flushing Bay Tunnel Modification to the NYC CSO Order](http://www.dec.ny.gov/chemical/77733.html) [and related correspondence], are available for public review at: <http://www.dec.ny.gov/chemical/77733.html>. The following provides a summary of the main provisions of the 2022 Flushing Bay Tunnel Modification.

**Appendix A: The 2022 Flushing Bay Tunnel Modification includes the following changes and additions to Appendix A milestones:**

NYC CSO Order, Appendix A	Current Milestone Date	New Milestone Date
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 1. Initiate Design	January 31, 2022	July 31, 2022
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 2. Submit Approvable Engineering Design		December 31, 2023
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 3. Submit Rikers Island Feasibility Study		December 31, 2023
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 4. Submit Decision Matrix for Use of Rikers Island for Construction of New WRRF		December 31, 2023
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 5. Provide Final Decision for Use of Rikers Island for Construction of New WRRF		December 31, 2024
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 6. Design Completion	June 2025**	
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 7. Notice to Proceed to Construction	July 2026**	
V. Flushing Bay CSO, G. Flushing Bay 25 MG CSO Storage Tunnel, 8. Construction Completion	June 2035**	
VIII. Newtown Creek CSO, F. 62.5% CSO Storage Tunnel, 1. Initiate Final Design	June 2025	August 2022
VIII. Newtown Creek CSO, F. 62.5% CSO Storage Tunnel, 2. Final Design Completion Including CPM Analysis	May 2028	December 2028*
VIII. Newtown Creek CSO, F. 62.5% CSO Storage Tunnel, 3. Notice to Proceed to Construction	August 2030	December 2029*
VIII. Newtown Creek CSO, F. 62.5% CSO Storage Tunnel, 4. Construction Completion	June 2042	December 2040*

New Footnote for Appendix A, V. Flushing Bay CSO:

\*\* Milestone dates may be subject to revision by the Department upon its approval of the Engineering Design Report (Item V.G.2)

New Footnote for Appendix A, VIII. Newtown Creek CSO:

\* Milestone dates maybe subject to revision by the Department based on additional facility planning

**Appendix C: The 2022 Flushing Bay Tunnel Modification adds a new Appendix C with the following milestones:**

NYC CSO Order, Appendix C		Milestone Date
I. State of Good Repair Projects, A. Reconstruction of Primary Settling Tanks at Bowery Bay WRRF	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> <li>3. Notice to Proceed to Construction</li> <li>4. Construction Completion</li> </ol>	December 2022 TBD TBD TBD
I. State of Good Repair Projects, B. Replacement of Existing Emergency Generators at Bowery Bay WRRF	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> <li>3. Notice to Proceed to Construction</li> <li>4. Construction Completion</li> </ol>	December 2026 TBD TBD TBD
I. State of Good Repair Projects, C. Replacement of Digesters at Hunts Point WRRF	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> <li>3. Notice to Proceed to Construction</li> <li>4. Construction Completion</li> </ol>	December 2022 TBD TBD TBD
I. State of Good Repair Projects, D. Reconstruction of Sludge Handling Equipment at Hunts Point WRRF	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> <li>3. Notice to Proceed to Construction</li> <li>4. Construction Completion</li> </ol>	December 2025 TBD TBD TBD
I. State of Good Repair Projects, E. Reconstruction of Primary Settling Tanks at North River WRRF	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> <li>3. Notice to Proceed to Construction</li> <li>4. Construction Completion</li> </ol>	December 2023 TBD TBD TBD
I. State of Good Repair Projects, F. Rehabilitation of North River WRRF Influent and Effluent Gates and Bar Screens	<ol style="list-style-type: none"> <li>1. Submit Approvable Basis of Design Report</li> <li>2. Design Completion</li> </ol>	December 2027 TBD TBD

Background on Changes: In March 2017, NYS DEC approved the 2016 Flushing Bay Combined Sewer Overflow Long-Term Control Plan (LTCP). The LTCP included a project to construct a 25-million gallon CSO storage tunnel to significantly reduce CSO discharges into Flushing Bay from CSO outfalls BB-006 and BB-008. In September 2020, NYC DEP submitted a request to delay the start of the design of the Flushing Bay CSO storage tunnel project by at least 12 months, which would also delay the subsequent implementation of the entire project. The primary justifications provided for the requested delay were the adverse impacts to NYC DEP's funding and contracting capabilities due to the COVID-19 pandemic and the need to fund critical state-of-good repair projects with available funds rather than the Flushing Bay CSO storage tunnel. In April 2021, NYS DEC determined that a 6 month extension to the design start milestone for the Flushing Bay CSO storage tunnel was warranted due to the contracting backlog and approved that 6 month extension. NYC DEP disagreed with NYS DEC's determination and initiated dispute resolution pursuant to the NYC CSO Order in June 2021.

From June 2021 to February 2022, NYS DEC and NYC DEP conducted negotiations to resolve the dispute; the results of those negotiations are reflected in the 2022 Flushing Bay Tunnel Modification. Overall, the design of the Flushing Bay CSO storage tunnel will be delayed; the preliminary design of the tunnel will start in July 2022. In exchange for the delay in design start of the Flushing Bay CSO storage tunnel, NYC DEP will complete several state-of-good repair projects for critical infrastructure, undertake a feasibility study for constructing a new wastewater resource recovery facility (WRRF) on Rikers Island, and modify slightly the milestones for completion of the Newtown Creek CSO storage tunnel. NYS DEC believes that the completion of important state-of-good repair projects and the feasibility study for a Rikers Island Water Resource Recovery Facility (WRRF) have the potential to enhance protection of water quality in New York City and these potential benefits justify delaying the design of the Flushing Bay CSO storage tunnel.

**Document Availability:** Hard copies of the 2005 CSO Order and approved modifications are available for public review at the following offices of NYS DEC and NYC DEP:

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

NYS DEC - Region 2 Office  
Selvin Southwell  
47-40 21st Street  
Long Island City, NY 11101

NYC DEP - Bureau of Legal Affairs  
Diana Dellafiora  
59-17 Junction Boulevard  
Flushing, NY 11373

Questions regarding the 2022 Flushing Bay Tunnel Modification must be submitted to the contact listed below by October 21, 2022.

**NYS DEC Contact Person:** Ryan Waldron, NYS DEC - Division of Water, 625 Broadway, 4th Floor, Albany, NY 12233-3506, Phone: (518) 402-8244, Fax: (518) 402-9029, E-mail: ryan.waldron@dec.ny.gov.

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## Positive Declaration, Availability of Draft Scope and Public Scoping Session

**New York County (Manhattan)** - The Battery Park City Authority, as lead agency, has determined that the proposed North/West Battery Park City Resiliency Project may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. The Draft Scope is available from contact listed below and on line at: <https://bpca.ny.gov/nature-and-sustainability/resiliency/>. **A public scoping session on the Draft Scope will be held on November 16, 2022 at 5:00 p.m. at the Stuyvesant High School, 345 Chambers Street, New York, NY 10282.** To attend the Scoping session virtually, please visit: <https://nwbpcr-public-scoping.eventbrite.com>

The action involves the construction of an integrated flood barrier alignment in the western and northern portions of Battery Park City and portions of Lower Manhattan, running from South Cove, north to the BPC north esplanade with an alignment along a portion of Hudson River Park and then crossing Route 9A at approximately North Moore Street, continuing inland to Greenwich Street. The project is located in Battery Park City in Manhattan, New York.

**Contact:** Claudia Filomena, Battery Park City Authority, 200 Liberty Street, 24th Floor, New York, NY 10281, Phone: (212) 417-2384, E-mail: [nwbpcrinfo@bpca.ny.gov](mailto:nwbpcrinfo@bpca.ny.gov).

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