

*Attachment 2*

**Agenda - Croton Facility Monitoring Committee Meeting**

Thursday, October 20, 2005 – 4:30 PM – 6:00 PM

*DEP Community Center – 3660 Jerome Avenue, Bronx NY 10467 (718) 231-8470*

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|---|---|
| <b>I. Welcome</b>                                       | John Leonforte, DEP<br>4:30 PM - 4:35 PM            |
| <b>II. Comments from the Public</b>                     | Signup –3 Minute Maximum.<br>4:35 PM - 5:05 PM      |
| <b>III. Air Quality Programs Update</b>                 | Gerry Kelpin - DEP<br>5:05PM – 5:15 PM              |
| <b>IV. On-Road Emissions Reductions Update</b>          | Paul Smith, Bernard Daly - DEP<br>5:15 PM – 5:25 PM |
| <b>V. Security at Croton Filter Project</b>             | Chief Edward Welch, DEP Police<br>5:25 PM – 5:40 PM |
| <b>VI. Construction and 3 Month Look Ahead Schedule</b> | Bernard Daly - DEP<br>5:40 PM – 5:50 PM             |
| <b><u>VII. CFMC INPUT, QUESTIONS, COMMENTS</u></b>      | 5:50 PM – 6:00 PM                                   |
| CFMC Discussion   |   |
| <b>VIII. Adjourn</b>                                    | John Leonforte - 6:00 PM                            |

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENGINEERING DESIGN AND CONSTRUCTION  
CROTON FACILITY MONITORING COMMITTEE MEETING SUMMARY**

THURSDAY, OCTOBER 20, 2005 – 4:30PM

The October 2005 meeting of the Croton Facility Monitoring Committee pursuant to City Council Resolution 933/1999 was held on October 20th at the DEP Community Office, 3660 Jerome Avenue, Bronx NY 10467. The names of the CFMC representatives and alternates, staff from DEP and its consultants, and visitors are attached. (*Attachment 1*)

The meeting commenced at approximately 4:35 PM; an agenda (*Attachment 2*), which had been circulated to the CFMC, was available.

Welcome

John Leonforte, Director of Intergovernmental Coordination, welcomed the CFMC and guests and explained the format for public comments: three minutes for each speaker. Public participation thereafter is limited to the CFMC.

Public Comments

William Moakley, Northwest Bronx Community and Clergy Coalition, said trucks were idling on McLean Avenue near and on the site. He said that he and Fay Muir monitored truck activities, and that the NYPD and DEP should monitor and better enforce the law against idling. Citizens should not have to be the monitors. He said that trucks travel in the community and do not always follow the established truck routes.

Fay Muir, Clean Water for Bronx, said that the Bronx is one of the 10% dirtiest counties in the nation, with incidence of cancer in the range of 270 per 100,000 persons. Ms. Muir repeated Mr. Moakley's comments. She said that trucks are illegally traveling on some local streets including Webster Avenue and Gun Hill Road and that increased enforcement against truckers is needed. Lyn Pyle, CB 7, asked Ms. Muir for the citation for Ms. Muir's statistics, which Ms. Muir said she would provide. **Note:** Ms. Muir provided to DEP a 38 pg. heavily footnoted proposal from the South Bronx Environmental Justice Partnership which contains statements referenced by Ms. Muir. This organization includes For a Better Bronx, Montefiore Medical Center, Lehman College, Albert Einstein College of Medicine, and others. Its web site is [www.aecom.yu.edu/icch/sbejp](http://www.aecom.yu.edu/icch/sbejp)

Mr. Leonforte asked Gerry Kelpin to give an update on air monitoring.

Air Monitoring/Air Quality

Ms. Kelpin explained for those who had not attended the past several meetings that the purpose of Local Law 77/2003 is to minimize air pollution during construction by requiring that emissions from off-road equipment be controlled as far as technologically practicable on construction sites. LL 77 covers on-site equipment, not trucks transporting

material to and from the site. The LL applies to City government projects and private projects that are funded by the City. Although not legally required for this contract, DEP agreed to follow the requirements of the LL at the Croton Filter Project before it became mandatory to do so.

For off-site air monitoring, DEP has determined where air monitors will be installed. At the September CFMC meeting, a map with the locations of the air monitors was distributed and a narrative about the program was provided. Ms. Kelpin explained that the program will monitor emissions from equipment on the site, but monitoring is complicated because of truck traffic in the community not associated with this project. Ms. Kelpin said there will be seven air monitors for on-road emissions that will measure 2.5 microns particle emissions. They will be placed along Jerome Ave. Data will be reviewed and analyzed.

Ms. Kelpin said that some air monitoring equipment ordered by DEP was damaged in shipment, and is being replaced. The vendor providing to DEP the background monitor equipment has experienced some delays in its production. The balance of the equipment should arrive in November. Ms. Kelpin said the equipment will be put into service as soon after it arrives at DEP as possible.

Ms. Kelpin then spoke about on-site construction equipment. Equipment is using Ultra Low Sulfur Diesel (ULSD). Selecting the retrofit equipment must be done on a case-by-case basis. Finding the best available technology (BAT) for equipment is one of the activities on which Emisstar has been assisting DEP. The 966G CAT loader has been retrofitted with a Diesel Particulate Filter (DPF) and is working well. Regarding the other equipment, each must be analyzed to determine the retrofit equipment for it; its operators must be properly trained in use and maintenance, and specific temperatures must be maintained while the equipment is in use. Each piece of equipment must also have the space to affix or install a DPF, if that is the BAT selected. DPFs would achieve 90% emissions reduction.

For the Croton Filter Project, Emisstar and DEP will choose the BAT technology based on analysis, from vendors' bids received on September 21. Emisstar and DEP are meeting to review the vendors' information. Saul Scheinbach asked how many pieces of equipment are to be retrofitted. The answer: approximately 30.

Bernard Daly added that the analysis and process used by DEP are now required by LL 77. Each other such construction job will have to be custom-designed until the industry routinely manufactures equipment with BAT. Ms. Pyle asked whether the Croton retrofits will be installed during November. Mr. Daly said the process is taking longer than the experts had expected, so he is not sure when all equipment will have BAT.

#### On-Road Emissions Reductions

Mr. Daly said that Emisstar presented information a month ago about the types of emissions reduction technology that could be considered for on-road trucks. He asked Ms. Pyle whether she had contacted other experts – as she indicated she planned to do to

review Emisstar and DEP's recommendations presented at the CFMC September 15<sup>th</sup> meeting. Ms. Pyle said she had a lengthy conversation with Andy Darrell of Environmental Defense; Emisstar; and an individual who worked with Boston's "Big Dig" where Ms. Pyle said that BAT was used. According to Ms. Pyle, the individual who worked on Boston's "Big Dig" said the amount of pollution and particulates produced by the on-road trucks at Croton will dwarf the amount of pollution produced on site, given the Croton EIS's estimate of one truck leaving the park every two minutes for two years.

Ms. Pyle said she appreciates Commissioner Emily Lloyd's involvement in the emissions reduction issue, and she asked that Emisstar do more research so that DEP and the CFMC have better information on which to make decisions. Richard Friedman said that the Commissioner will meet with staff to discuss emissions reductions at Croton during the week of October 24<sup>th</sup> and that at that time a decision is expected to be made on whether to request additional research by Emisstar. Ms. Pyle asked DEP and Emisstar to respond to concerns below:

Ms. Pyle asked (1) how many of the approximately 60 rock trucks consistently, sometimes or rarely come to the project location. Ms. Kelpin responded that the trucks being used on Croton are not dedicated to the project and may work on other projects when not working on Croton. Trucks that consistently come to Croton may also be used on other shifts during the same day at other locations. Mr. Leonforte added that trucks with Croton signs are indeed working elsewhere, including in the Bronx, Queens and Manhattan. They have been seen in Brooklyn as well.

**Note:** *On October 28, Ms. Pyle and Mr. Scheinbach sent DEP more detailed questions that were raised at the meeting, the first of which is in the above paragraph. The additional questions are (2) Do the consistent and often used trucks reach high enough exhaust temperature during 1/4 of their duty cycle to use Catalyzed Wire Mesh Filters (CWMF) listed in the Emisstar Discussion document given to the CFMC at its last meeting? What incentives would be sufficient for use of the bio-friendly additive? (3) Can DEP develop a change order to make the Croton Filter Project an EPA demonstration project for bio-friendly and CWMF use? (4) Can consultants present several strategies/options for enforcement of the idling law on site? Should DEP Police enforce off-site idling?*

Ms. Pyle said that Emisstar should provide updated information on which to base BAT recommendations. The September recommendation was premature, according to Ms. Pyle, because temperature information for the truck operations was not collected.

Ms. Pyle said that Fuel Borne Catalysts (FBCs) were approved for use in Texas on September 16, the day after the September Emisstar presentation. It is a bio-friendly additive that can be added to diesel fuel. The FBC provides between 5 – 10% increase in fuel economy and thus makes the technology attractive to truck operators, said Ms. Pyle. She asked whether 5-10% fuel economy is sufficient incentive for Croton Filter project use. Ms. Pyle and Mr. Scheinbach added that bio-friendly additive does not use platinum or iron in its process.

Mr. Scheinbach said he is disappointed that Emisstar made recommendations to DEP without doing the necessary additional research. He recommended that DEP wait longer and collect better background information before making decisions. He said he believes that some of the trucks have the right temperature profile for the installation of catalyzed wire mesh filters.

Joe Gordon suggested that the agency consider spending \$15 – 20 million to purchase Croton Filter Project trucks. He said they could be used now and in the future. Mr. Friedman said the concept has been discussed at DEP, along with other ideas, although no decision to buy trucks has been made.

Mr. Daly said that Commissioner Lloyd requested that a contact be prepared with the NYC Water Board under which some of the trucks for the current contract could be retrofitted. He informed the CFMC that there are more than 750,000 trucks in use in the US.

#### Security at the Croton Filter Project

Edward Welch, Chief of the DEP Police Force, was introduced by Mr. Leonforte. Chief Welch provided a brief history of the DEP Police Force, beginning with its creation under the 1906 Water Supply Act which established the Board of Water Supply. Chief Welch described the expansion of the DEP Police, and incidents leading to establishment of the NYS Police. He spoke about the 1983 jurisdictional expansion of the watershed police into NYC and their obtaining Police Officer status by action of the NYS Legislature. Starting with a small number of officers, the force now numbers 215. Its primary defenses are against pollution, crime and terrorism.

The DEP Police officers who respond in NYC are based in Yonkers, and may be contacted by using the city's 311 telephone system or by telephoning the DEP Police Command Center at (888) 426-7433. The DEP Police work seamlessly with federal, state and local enforcement agencies and have an excellent relationship with NYPD. Chief Welch described DEP Police's three primary sectors: Detective Division performs investigations; Special Operations protects the upstate reservoirs; and the Terrorism Division enforces against explosives and other potential dangers. He said that when the Croton Filter Project commences operations in 2011, it will be manned around the clock by DEP Police.

Chief Welch also spoke about NYPD's response to Croton Filter Project community concerns that had been raised in public comments previously. Although the site is located in the 50<sup>th</sup> Precinct, the NYPD provides resources as appropriate from other commands. If the public contacts 911 in the event of an immediate concern, NYPD Dispatch will direct the proper precinct response.

The Chief said that DEP Police want to benefit from community observances about any potential police problem or threat. His officers ask for a caller's name, address and telephone number in order to get more information if needed, and to keep a record of

complaints or concerns. This year, DEP Police have logged 4,000 cases. DEP Police work in concert with NYPD on many of these cases. If the public is not sure about whether a problem falls within the jurisdiction of DEP Police or NYPD, a call to DEP Police ensures that NYPD will be contacted immediately if the problem should be followed up by that agency, and a call to 311 or 911 is handled similarly.

Mr. Friedman reiterated that a call to 911 or 311 will be referred to the proper location. The public does not need to be concerned about which precinct or office to call.

CFMC questions from Mr. Scheinbach and Ms. Pyle regarding truck idling were directed to Chief Welch. When asked if DEP Police enforce the three minute idling law, Chief Welch said he was sensitive to community concerns but did not want to slow the project. In subsequent discussions, Chief Welch has said DEP Police and NYPD would be enforcing the idling law. Mr. Scheinbach asked whether DEP Police received federal funding after September 11, 2001. Chief Welch said the funding went to FDNY and NYPD. Mr. Scheinbach asked about allowing fishing in the watershed. Chief Welch said that one of his first actions was to reopen the watershed for fishing and hunting. There was additional discussion between Mr. Scheinbach and Chief Welch about security measures in the watershed.

#### Bernard Daly's Construction Update

Mr. Daly said that the majority of soil has been excavated and taken off site. Some of the soil has been used by the Parks Dept. at other locations and on the Mosholu golf course. He said that the 6AM early start for loading trucks has been temporarily suspended as of October 18, 2005. Mr. Daly said the ornamental wall is being constructed now – granite pieces are en route to the site, piping and other features are being installed, and its waterfall will commence operations in the spring of next year. No decision has been made about whether to retain the ornamental wall after construction of the plant is completed. The community's opinion will be solicited regarding the ornamental wall's fate.

Blasting, rock crushing and loading of rock is continuing; wood lagging is being installed; temporary club house adjacent to Shandler is being constructed and should be completed this year; demolition of the old club house is in progress; electrical equipment is being installed and electricity should be on site by November 1; a new maintenance building is being constructed at the golf course. Work at the golf course is ongoing; it is expected that the golf course will back to full operation next season. Mr. Daly said the nine hole golf course will be beautiful, and that nine new greens are to be completed this year.

Mr. Scheinbach asked how deep the excavation is at this time. Mr. Daly said that, on average, 25' have been excavated. In some areas the excavation is deeper and in others limited excavation has taken place.

Mr. Daly said that Dept. of Health staff distributed garbage cans in the community in September, and more garbage cans will be distributed in the future as needed. He said that the Tunnel Project will begin next year.

Lee Llambelis asked about the current level of local hiring and purchases. Mr. Friedman said that August data, which are latest collected, showed approximately 20% on-site workers reside in the Bronx, and approximately \$16 million has been spent on equipment and supplies from the Bronx. Ms. Llambelis requested that a written update be provided at next CFMC meeting.

**Follow up:** Distribute a written update about hiring and purchases from the Bronx. (Richard Friedman) **Note:** Richard Friedman will provide an update at the next meeting.

Ms. Pyle requested a map of truck routes and an update on where trucks take excavated material.

**Follow up:** Provide to CFMC information on revised truck plans. (Bernard Daly)

#### CFMC Discussion

A time, place and day will be set for the next meeting in early December, so as not to conflict with the Thanksgiving holiday. Mr. Leonforte asked Martha Holstein to email to the CFMC a suggested meeting date and time. Ms. Holstein said that the meeting could include a holiday party. Mr. Scheinbach and Ms. Pyle dissented, saying they just want the meetings to provide information, not festivities. Mr. Friedman said that Commissioner Lloyd plans to attend the next CFMC meeting. **Note:** Next meeting will be on Thursday, December 1 at 5:30 PM at Jewish Home & Hospital Life Care System, 100 West Kingsbridge Road, Bronx NY 10468-3903.

Mr. Leonforte adjourned the CFMC meeting at approximately 6:30 PM.

10/20/2005

**NYC DEP - CROTON FMC**

Attachment 1

<b><u>Name</u></b>	<b><u>Organization / Company</u></b>	<b><u>Address</u></b>	<b><u>Phone</u></b>	<b><u>Fax</u></b>	<b><u>E-Mail</u></b>
Joseph E. Gordon	G.Oliver Koppell / NYC Council Member	3636 Waldo Ave. Bronx NY 10463	(718) 549-5250	(718) 5499945	<a href="mailto:koppell@council.nyc.ny.us">koppell@council.nyc.ny.us</a> ; <a href="mailto:m11gordo@council.nyc.ny.us">m11gordo@council.nyc.ny.us</a>
Lyn Pyle	Community Board #7	229A East 204th Street Bronx, NY 10458	(718) 933-5650	(718) 933-1829	<a href="mailto:baylalyn@earthlink.com">baylalyn@earthlink.com</a>
Saul Scheinbach	Community Board #8	5676 Riverdale Avenue Bronx NY 10471	(718) 884-4740	(718) 796-2763	<a href="mailto:judisaul@aol.com">judisaul@aol.com</a> <a href="mailto:brxcb8@optonline.net">brxcb8@optonline.net</a>
Alex Kimball	Hazen + Sawyer - Metcalf & Eddy JV	498 Seventh Avenue New York NY 10027	(212) 539-7122	(212) 614-9049	<a href="mailto:akimball@hazenandsawyer.com">akimball@hazenandsawyer.com</a>
John Leonforte	DEP, Dir, Intergov Coord, BEDC	96-05 Horace Harding Exp. Flushing, NY 11373	(718) 595-5964	(718) 595-6259	<a href="mailto:jleonforte@dep.nyc.gov">jleonforte@dep.nyc.gov</a>
Alan S. Natter	Hazen + Sawyer - Metcalf & Eddy JV	498 Seventh Avenue New York NY 10027	(718) 539-7196	(212) 614-9049	<a href="mailto:anatter@hazenandsawyer.com">anatter@hazenandsawyer.com</a>
Ken W. Parr	Community Board #12 District Manager	136 East 235th Street Bronx NY 10470	(718) 325-4967	(718) 231-0635	<a href="mailto:kwparr@optonline.net">kwparr@optonline.net</a>
Fay Muir	Clean Water for the Bronx	286 Reservoir Place Bronx NY	(718) 944-4668		
Myra Goggins	MWSCC/NWBCCC	2199 Cruger Avenue Bronx NY			
Lillie Farrell	DEP - Community Outreach	59-17 Junction Blvd. Corona NY 11368	(718) 595-3496	(718) 595-6582	<a href="mailto:lfarrell@dep.nyc.gov">lfarrell@dep.nyc.gov</a>
Dart Westphal	Mosholu Preservation Conservancy	3400 Reservoir Oval East Bronx NY 10467	(718) 324-4461	(718)324-2917	<a href="mailto:Dwestphal@mpcbronx.org">Dwestphal@mpcbronx.org</a>
Dorothy Salvage	Mosholu Senior Certer	3560 Rochambeau Avenue Bronx NY 10462	N/A		
Effie Ardizzone	DEP - Community Outreach	59-17 Junction Blvd. Corona NY 11368	(718) 595-3493	(718) 595- 6582	<a href="mailto:eardizzone@dep.nyc.gov">eardizzone@dep.nyc.gov</a>
James Soroush	DEP BEDC Community Outreach	96-05 Horace Harding Exp. Flushing, NY 11373	(718) 595-6088	(718) 595-6259	<a href="mailto:JamesSor@dep.nyc.gov">JamesSor@dep.nyc.gov</a>
Tom Farrell	URS/ MP Construction Manager	3660 Jerome Avenue Bronx, NY 10467	(718) 231-8470	(718) 231-8857	<a href="mailto:Thomas.Farrell@shawgrp.com">Thomas.Farrell@shawgrp.com</a>
Martha Holstein	Strategic Urban Solutions, Inc.	335 Adams Street Brooklyn, NY 11201	(718) 625-1005 x. 223	(718) 625-1032	<a href="mailto:mholstein@urbansol.com">mholstein@urbansol.com</a>
Bernard Daly	DEP BEDC Project Manager	3660 Jerome Avenue Bronx, NY 10467	(914) 618-1538	(718) 231-8857	<a href="mailto:Bdaly@dep.nyc.gov">Bdaly@dep.nyc.gov</a>

## NYC DEP - CROTON FCMC

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<u>Name</u>	<u>Organization / Company</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-Mail</u>
Lloyd A. Douglas	LDCC Business Consultant	165 West 127th Street, Apt. #23 New York, NY 10027	(718) 292-3113 x.7550	(718) 292-3115	
Bill Moakley	NWBCCC	3530 Bainbridge Avenue Bronx NY	(718) 798-3367		
Robert Barnes	DEP Community Outreach Office - Croton	3660 Jerome Avenue Bronx, NY 10467	(718) 231-8470	(718) 231-8857	<a href="mailto:robertbar@dep.nyc.gov">robertbar@dep.nyc.gov</a>
Mark Page, Jr.	DEP OEPA	59-17 Junction Boulevard Corona, NY 11368	(718) 595-4395	(718) 595-4479	<a href="mailto:mpage@dep.nyc.gov">mpage@dep.nyc.gov</a>
Elena Gracia	DEP Community Outreach Office - Croton	3660 Jerome Avenue Bronx, NY 10467	(718) 231-8470	(718) 231-8857	<a href="mailto:elenag@dep.nyc.gov">elenag@dep.nyc.gov</a>
Richard Friedman	DEP Special Counsel	59-17 Junction Boulevard Corona, NY 11368	(718) 595-3604	(718) 595-3522	<a href="mailto:Rfriedman@dep.nyc.gov">Rfriedman@dep.nyc.gov</a>
Chief Edward Welch	DEP Police	465 Columbus Avenue Valhalla NY 10595	(888) 426-7433		<a href="mailto:ewelch@dep.nyc.gov">ewelch@dep.nyc.gov</a>
Paul Sawyer	Friends of Van Cortlandt Park	Golf House Van Cortlandt Park Bronx NY	(718) 601-1460	(718) 601-1574	<a href="mailto:fvcppaul@verizon.net">fvcppaul@verizon.net</a>
Jim Martinez	Construction Manager JV	3660 Jerome Ave. Bronx NY 10467	(914) 694-2106	(718) 231-8857	<a href="mailto:jmartinez@pirnie.com">jmartinez@pirnie.com</a>
Jens Storm	URS/ MP Construction Manager	3660 Jerome Ave. Bronx NY 10467	(718) 231-8470	(718) 231-8857	<a href="mailto:jstorm@pirnie.com">jstorm@pirnie.com</a>
Erin Parsons-Wright	Office of State Senator Jeffrey Klein	3713 E. Tremont Avenue Bronx NY	(718) 822-2049	(718) 822-2321	<a href="mailto:parsons@senate.state.ny.us">parsons@senate.state.ny.us</a>
Gerry Kelpin	DEP - Environmental Policies & Enforcement	59-17 Junction Boulevard Corona, NY 11368	(718) 595-3627	(718) 595-4544	<a href="mailto:gkelpin@dep.nyc.gov">gkelpin@dep.nyc.gov</a>
Tom McNeil	Assembly Member Dinowitz's Office	3107 Kingsbridge Ave. Bronx NY 10463	(718) 796-5345	(718) 796-0694	<a href="mailto:thomas0330@hotmail.com">thomas0330@hotmail.com</a>
Lee Llambelis	Bronx Bor. Pres. Adolfo Carrion, Jr.'s Office	851 Grand Concourse Bronx NY 10451	(718) 590-8555	(718) 590-2668	<a href="mailto:llambelis@bronxbp.nyc.gov">llambelis@bronxbp.nyc.gov</a>
John Herrold	Parks & Recreation Dept.	1 Bronx River Parkway Bronx NY	(718) 430-1890		<a href="mailto:john.herrold@parks.nyc.gov">john.herrold@parks.nyc.gov</a>
Hector Aponte	Bronx Parks Commissioner	1 Bronx River Parkway Bronx NY	(718) 430-1801	(718) 430-1818	<a href="mailto:hector.aponte@parks.nyc.gov">hector.aponte@parks.nyc.gov</a>