

**NEW YORK CITY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
LONG TERM CONTROL PLAN  
PUBLIC PARTICIPATION PLAN**

**JUNE 2012**

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## **I. Introduction**

As part of the citywide Long Term Control Plan (LTCP) program for Combined Sewer Overflows (CSOs), in accordance with United States Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (DEC) mandates, the New York City Department of Environmental Protection (DEP) will implement a proactive and robust public participation program to inform the development of watershed-specific and citywide LTCPs. This public participation plan describes the methods DEP will utilize to inform and involve diverse stakeholders and the broader public throughout the LTCP process.

The strategies and activities contained within this plan will support DEP's agency goals of raising awareness about, encouraging input on, and fostering understanding of the LTCP program and associated benefits. The full list of activities in this plan will not be enacted immediately. Rather, for this important program, DEP will strategically implement activities described herein to meet the information needs of a variety of stakeholders and achieve development milestones in the overall LTCP schedule as outlined in the CSO Order on Consent signed by DEC and DEP on March 8, 2012.

The public participation activities and tools included in this plan are focused on two main strategies:

- Use various existing forums to educate a broad array of stakeholder groups and encourage community input from within specific watersheds; and
- Provide a forum for sustained regional participation in the development of the citywide LTCP program.

## **II. Public Outreach and Involvement Goals and Objectives**

The purpose of this public participation plan is to create a framework for communicating with and soliciting input from interested stakeholders and the broader public on water quality and the challenges and opportunities of CSO controls. This public participation plan is designed to keep important stakeholder issues associated with the LTCP program before the public and ratepayers throughout the life of the program. Further, this plan aims to inform the public of DEP's and DEC's historical and continuing commitment to protect water quality in the city, including the quality of tributaries and waterbodies that have greatly contributed to the quality of life of all New Yorkers.

***The overall goal of the LTCP public participation program is to raise awareness about, foster understanding of and encourage input on the development of waterbody-specific and citywide LTCPs.***

The detailed objectives of this public participation plan are to:

- Maintain an open and transparent process throughout LTCP program development and implementation by providing timely and accessible information to identified stakeholder groups and diverse communities about the need to address CSOs.
- Raise awareness about water quality conditions in local waterbodies and throughout the New York Harbor, and increase understanding of DEP's historical and ongoing efforts to address water quality, protect the environment and improve access to New York City's waterbodies.
- Encourage public input on the preferred options for addressing CSOs and establish a process to maintain two-way communication with interested stakeholders.
- Identify areas of concern and work with stakeholders at the citywide and waterbody levels to formulate possible resolution.
- Balance expectations associated with the costs of the LTCP program, other citywide regulatory mandates and potential cumulative impacts on customer rates.

### **III. Background**

The City of New York owns and operates 14 wastewater treatment plants (WWTPs) and their associated collection systems. The system contains approximately 450 combined sewer outfalls located throughout the New York Harbor. Common to older, more developed cities, combined sewers are those that use a single pipe to carry a combination of rainwater and sanitary wastewater. Although still adequate under normal conditions, these systems can sometimes be overtaxed by heavy precipitation, resulting in overflows to area waterbodies – known as combined sewer overflows, or CSOs.

DEP has executed a comprehensive watershed-based approach to address the impacts of CSOs on water quality in the New York Harbor. Multiple waterbodies are included in this process, and multiple waterbody assessments are being conducted to identify opportunities and requirements for maximizing beneficial uses. Further, a number of federal and state regulations are in place to control CSOs. The focus of these regulations is to ensure that CSO controls are cost effective and meet the requirements of the Clean Water Act (CWA). The key principles of the 1994 Federal CSO Control Policy, published in the Federal Register, are as follows:

- Provide clear levels of control that would be presumed to meet the appropriate health and environmental objectives.
- Provide sufficient flexibility to municipalities, especially those that are financially disadvantaged, to consider the site specific nature of the CSO and to determine the most cost-effective means of reducing pollutants and meeting the CWA objectives and requirements.
- Allow a phased approach for implementation of CSO controls considering a community's financial capability.
- Review and revise, as appropriate, Water Quality Standards (WQS) and their implementation procedures when developing CSO LTCPs to reflect the site-specific wet weather impacts of CSO.

To date, DEP has invested over \$1.8 billion to control CSO discharges. These efforts are part of a decades-long comprehensive and strategic program to reduce CSOs throughout New York Harbor. In addition to what is known as Grey CSO Controls, the city is moving forward with a Green Infrastructure (GI) program to control CSOs when feasible.

#### **IV. Challenges and Opportunities**

DEP has identified potential program challenges and opportunities and established a framework to successfully address these challenges and public concerns and to leverage identified opportunities. Key challenges and opportunities include:

##### **Challenges**

- The broad area, distinct waterbodies and number of tributary areas included in the New York Harbor require a varied watershed management approach.
- Given the size of the geographic area and the affected population, DEP will need to implement a public participation plan that broadly informs.
- CSOs and associated controls can be difficult to explain to the layperson. Individuals may not think about CSOs unless impacts are nearby or direct. Consequently, gaining sustained interest in the program by the larger community may be challenging.
- LTCP program implementation costs will be significant. Green and grey infrastructure projects will reduce CSOs, but most are costly. Ratepayers will ultimately pay the bill for these improvements, so it is critical that they have some understanding of the purpose and need for the program and associated benefits.
- There are many individuals and interest groups who are intensely interested and have been or will be heavily involved, while many others may have different informational and involvement needs. This public participation plan identifies avenues for providing information to, and receiving input from, a broad cross-section of the community.
- The timing of work and associated public outreach activities related to Newtown Creek and Gowanus Canal, recently designated by the EPA as Superfund sites, must also be considered in the CSO schedule.

##### **Opportunities**

- The LTCP program is very important to New York City and will positively impact communities throughout the city and beyond. This public participation plan includes strategies to inform a broad spectrum of the population about the LTCP program, in context with DEP's long history of managing the water and wastewater systems in New York City, and statewide efforts to protect waterbodies.
- The preexisting base of support for protecting New York City's waterbodies and moving ahead with ongoing water quality improvements to satisfy ecological and recreational uses will likely spur additional support for the LTCP program.

- Many stakeholders were involved during Waterbody Watershed Facilities Plan (WWFP) activities and these individuals may be interested in continuous involvement during the next phases of the program.

## **V. Audiences**

A sound public participation plan must not only address those audiences who are currently interested and engaged, but also those audiences who may not yet be as aware of water quality issues or the program developed to address the issues. Diverse groups will benefit from the LTCP program and should have the opportunity to provide meaningful input based on their unique perspectives. Therefore, DEP will maintain an open process to engage different audiences and tailor participation activities and communication tools based on specific informational and involvement needs. The following is a listing of general audience categories to be considered:

- Regulatory agencies (e.g., DEC and Army Corps of Engineers)
- Federal, state and local elected and appointed officials and staff members
- Community boards
- Existing DEP advisory groups from WWFP development processes or the current Green Infrastructure Steering Committee
- Ratepayers and ratepayer advocacy groups
- Organizations formed to support a specific waterbody such as Superfund Community Advisory Groups (CAGs)
- Business organizations
- Economic development and planning groups
- Key community groups
- Civic organizations
- Environmental organizations
- Public access and recreational organizations
- Scientists and academia

## **VI. Public Participation Approach**

Effective long-term participation relies on an array of strategies and activities that are designed to meet program or plan objectives, implemented in a consistent and sustained manner and targeted to diverse stakeholder needs and interests. DEP is undertaking both grassroots and regional outreach to share information and gather feedback for the development LTCPs. New approaches may be developed throughout the life of the program in response to stakeholder needs and understanding of issues, challenges, alternatives and opportunities associated with the LTCP program. Any new approaches will be described in the annual update of this public participation plan.

The public participation approach proposed in this plan focuses on two main strategies:

- Use various existing forums to educate a broad array of stakeholder groups and encourage community input from within specific watersheds; and
- Provide a forum for sustained regional participation and input in the development of the citywide LTCP program.

The multi-pronged tools and activities identified in this plan are a combination of proven efforts along with several new initiatives designed to meet stated objectives. Each has been selected to reach as many members of DEP’s target audiences as possible and all fall within the categories of:

- Regional LTCP Participation
- Waterbody-specific Community Outreach
- Data Collection and Planning
- Communication Tools
- Student Education

### **Regional LTCP Participation**

DEP will maintain involvement with individuals who served on previous groups formerly involved in the WWFP process, or who currently serve on citywide advisory groups, while also becoming more inclusive of a broader base of individuals and groups. Broadening outreach efforts will be accomplished by the regional LTCP participation activities described below in tandem with the waterbody-specific community outreach, data collection and planning activities.

### Activities

- Conduct a kick-off citywide public meeting to describe the LTCP program, provide information about the baseline assumptions used to develop LTCPs, present a timeline for specific watershed LTCP development and review the public participation approach described in this plan with stakeholders. To achieve these kick-off meeting objectives, DEP proposes an open house format.
- Subsequent to the above kick-off meeting, an annual citywide meeting would be held each year through 2017 when the citywide LTCP is to be completed to provide updates on the development of waterbody-specific and citywide LTCPs. In addition, these annual meetings may also be used as forums to discuss other topics of regional concern or significance to stakeholders such as programmatic/policy issues, rulemakings and code revisions, results from ongoing GI demonstration areas and pilots, or discussions of other emerging grey and green technologies.
- Based on interests expressed and input received during different stages of waterbody-specific and citywide outreach, a potential citywide public advisory committee or expanded expert participation in the review of technical data or alternatives may evolve. As needed, DEP may undertake the following activities:
  - Identify and develop links with existing technical groups.

- Host specific technical workshops or co-host a workshop with a university or a professional society.
- Identify and invite presentations by appropriate subject matter experts.

**Waterbody-Specific Community Outreach**

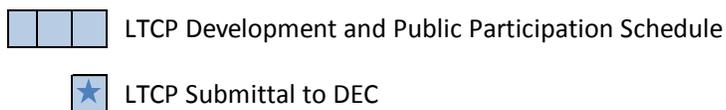
DEP will utilize existing forums to provide a variety of opportunities for customers and community members to receive and access relevant information, and provide feedback on the development of waterbody-specific LTCPs.

Activities

- Working together with DEC, DEP will hold up to three public meetings for the development of each waterbody-specific LTCP. These meetings will be scheduled to span the development of the draft LTCP and review of the final submittal to DEC. Each meeting will begin with a brief summary of community comments received prior to the date of the meeting and a report on how comments were incorporated into the LTCP development process. The agenda for these meetings will be carefully crafted based on the status of LTCP development and data collected through the outreach process identified in this plan. An open house format would be used to ensure multiple topics and audiences can be addressed at each meeting.

The following table illustrates proposed timelines for LTCP development processes, related DEC milestones and public participation opportunities within each specific waterbody:

LTCP	2012				2013				2014				2015				2016				2017				2018			
	Q1	Q2	Q3	Q4																								
Alley Creek																												
Coney Island																												
Hutchinson River																												
Flushing Creek																												
Gowanus Canal																												
Bronx River																												
Jamaica Bay & Tributaries																												
Westchester Creek																												
Flushing Bay																												
Newtown Creek																												
Citywide																												



- DEP will work with existing groups, such as community boards, to present information about LTCPs and raise awareness among community members. Community boards will play an important role in DEP's grassroots efforts to educate and inform the public and stakeholders during the LTCP process. Community board members serve as leaders in multiple venues and can help to disseminate important project information and meeting information to a broader audience. District managers of each community board attend monthly service cabinet meetings. Providing information to district managers at these meetings is among the most effective ways to ensure community board leaders are updated about the LTCP progress within their district. DEP will present an update on waterbody-specific LTCPs during these meetings covering such information as:
  - Overall status update on individual LTCPs;
  - Summary of public and stakeholder comments;
  - Green infrastructure projects (where applicable);
  - Milestones and schedule; and
  - Next steps.
- Local elected officials have unique informational needs and opportunities for outreach. Therefore, this group is identified separately. Ensuring that elected or appointed officials have accurate and the most up-to-date information about a project will allow them to pass along project information to community members. DEP will conduct one-on-one briefings with elected officials early and often, and establish a process for solid, two-way communication to ensure that elected officials and their staff ask DEP representatives questions and receive information in their preferred format. As appropriate, presentations will be scheduled at milestones or quarterly intervals to ensure that government officials are up-to-date on the LTCP program.
- For Newtown Creek and Gowanus Canal communities, DEP will coordinate LTCP outreach in these watersheds with the EPA's ongoing Superfund activities, as appropriate. LTCP stakeholders will be notified of meetings held by existing Superfund community advisory groups (CAGs). CAG meetings are under the supervision of EPA and therefore will allow the LTCP stakeholders to have access to the information provided by EPA on Superfund related issues, as well as interface directly with EPA. The Superfund CAG will be requested to include the LTCP stakeholder groups on their mailing lists to ensure that information is provided on current topics related to the Superfund process and that schedules of all meetings and other related documents are made available. DEP will continue to request of EPA and the CAGs opportunities to present on the status of LTCPs at CAG meetings and similarly, invite EPA and CAG participation in LTCP events, as appropriate.
- Building off of the activities above, there are numerous opportunities already in place to reach community leaders with a particular interest in water quality. DEP will identify and

ask to participate in already scheduled neighborhood or stakeholder group meetings and community events to distribute information and collect input. The above updates or topics could be added to meeting agendas and a variety of tools in addition to presentations such as informational poster stations or video displays will be used to share information with community leaders and groups. To ensure these opportunities are maximized, DEP will develop an annual calendar of community events, and sponsor, co-sponsor, or attend appropriate community meetings, forums and events.

- DEP recognizes that use of attainability (UAA) analyses will require additional discussion with interested stakeholders. Public involvement is a cornerstone of UAA development. To gather local information, gauge public interest, and engage interested parties, DEP will involve local stakeholders early in the planning stages of the UAA. Public involvement will continue throughout the UAA process, and recommendations made in the UAA will be reviewed by all interested parties. In addition, DEP and DEC will ensure adequate coverage for discussions of UAA analyses and related reports during public meetings when a UAA may be undertaken for a specific waterbody and adequate time at meetings for presentations by technical experts. This public participation process, as part of the development of LTCs, will not replace DEC's formal public rulemaking process if the UAA results in a proposed rule change. DEC will conduct a separate public involvement process, according to federal and state requirements.”
- DEP will broadly share meeting announcements to maximize participation. Specifically, DEP will add to existing meeting distribution lists, develop electronic notifications and update appropriate information areas (e.g., websites) to invite interested stakeholders including environmental justice and waterfront access groups, participants in previous citizen advisory committees associated with WWFP, academic/research interests, and economic development and community planning groups, among others. Refer to the “Communication Tools” section of this plan for additional details on information dissemination.

### **Data Collection and Planning**

Establishing a foundation of knowledge about stakeholder perceptions, concerns and opinions through data collection and planning will help DEP track the pulse of stakeholders, to address their issues and concerns, and allow for a feedback loop and course correction, if necessary. Data collected from stakeholders and the broader public will be reviewed and considered for the development of specific LTCs and for future modifications to this public participation plan.

#### Activities

- Solicit input from the public to gain valuable feedback and insight from residents on broad water resource-related topics using a targeted and succinct survey tool. Potential survey topics include:
  - LTC process including public education and outreach;

- Water quality and other New York City waterbody-related topics; and
- Ranking of issues of concern among New Yorkers.
- Utilize DEP’s website and/or the LTCP program website, public events (citywide and tributary-specific) and traditional mailings as a means to distribute surveys.
- Invite comments at diverse public forums by providing and collecting comment cards at presentations, open houses and community board or group meetings.
- Establish an online comment area and process for responding to comments received.
- Update mailing list databases from sign-in sheets at all community open houses and meetings, and include a request to provide an email address.

### **Communication Tools**

Various outreach and informational tools, both traditional and electronic, will be important elements of DEP’s overall communication effort. DEP will ensure outreach tools are accurate, informative, up-to-date and consistent, and are widely distributed and easily accessible.

- **Program Website or Dedicated Page.** Update DEP’s website or establish a LTCP program website to:
  - Describe the LTCP process, CSO related information and citywide water quality improvement programs to date;
  - Describe waterbody-specific information including historical and existing conditions;
  - Provide the public and stakeholders with timely updates and relevant information during the LTCP process including meeting announcements;
  - Broaden DEP’s outreach campaign to further engage and educate the public on the LTCP process and related issues; and
  - Provide an online portal for submission of comments, letters, suggestions, and other feedback.

These strategies will help DEP to maintain an open dialogue and complete the feedback loop with the public. Among information that would be included on the website is tributary-specific information; social media sign-ups; calendar of events; open house and other meeting information; and audio visuals.

- **Social Media.** Analyze the potential for successful communication using social media and social networking websites such as Facebook, Twitter, Patch and Blogs to update the public or specific targeted audiences such as reporters about the LTCP process.
- **Media Outreach.** Develop and maintain good working relationships with media outlets, reporters and bloggers to help further DEP’s education and outreach efforts. Therefore, DEP will develop LTCP program-specific media kits – including fact sheets, brochures,

news releases, photographs, maps and charts, and video footage if available – and public service announcements (PSAs) to raise awareness about CSO issues and meetings.

- **FAQs.** Develop and continually update LTCP Frequently Asked Questions (FAQs) about the LTCP and LTCP process, including background information, frequently used terms and definitions among other topics.
- **Print Materials.** Develop informative citywide and waterbody-specific print materials similar to information posted online as mailers, flyers or notices for distribution at meetings, events, document repositories and other appropriate venues. Hard copies of meeting notifications and agendas will be available at libraries, community board and elected officials’ offices, and recreation centers. Print materials will also be available by calling 311 (NotifyNYC). In addition, individuals will have the opportunity to request hard copies of materials by contacting DEP.
- **Translated Materials.** Important water quality materials will be made available in languages other than English both online and when printed.
- **Portable Informational Displays.** Create a traveling kiosk, poster boards or other displays for placement in tributary communities including community board or elected officials’ offices, museums, and schools or at community events or other forums upon request.
- **Advisories and Notifications.** Use a variety of notifications – electronic and traditional – to provide project updates, and to continue advisories on water conditions and CSO events. Incorporate traditional advertising and notifications. DEP’s website currently provides real time advisories about potential CSOs and potential impacts to secondary contact uses and offers information on floatables control and actions the public can take to help mitigate this problem. DEP will also employ alternative notification strategies via NotifyNYC, signage and other non-electronic materials.
- **Construction Outreach.** In addition to ongoing information sharing and notifications to elected officials and community boards, DEP would use the LTCP program website or social media platforms to notify media and the affected community about construction start and end dates, kick-off, or “thank you” events, and schedule changes as identified.

### **Student Education**

Reaching young and college-aged students will significantly enhance DEP’s efforts to raise awareness of and encourage interest in waterbody and infrastructure issues in general and LTCP program efforts specifically. Tangentially, efforts may also reach academics with an interest in learning about and providing input on the LTCP process.

#### Activities

- Participate in ongoing education events, such as the Annual Art & Poetry Contest, which reaches grades 2-12 in public, independent and private schools.

- Provide specific green and grey infrastructure educational modules for grade-appropriate curricula.
- Offer tours of waterways, CSO facilities, and green infrastructure installations to foster understanding of complex issues and solutions.
- Partner with local universities to create capstone team and graduate-level research questions.

## **VII. Measurement/Evaluation**

Through the public outreach and involvement implementation plan, DEP will be able to assess the quality and effectiveness of its outreach efforts in order to maximize successful efforts and improve or discontinue others.

The current monthly reporting process will be evaluated and enhanced to monitor efforts. Efforts may include a system of logging, evaluating and tracking charts that include all public affairs activities, as well as an annual review of the strategic communication plan, and updates where appropriate.

This public participation plan will be evaluated against measures including:

- Public meetings conducted and number of attendees for each meeting;
- Number of other presentations made or events and meetings of existing groups attended within each watershed;
- Increase in the amount of accurate news coverage about water quality and DEP programs;
- Increase in visits to the website and number of website links secured; and
- Summary of comments received.

## **VIII. Public Participation Reporting Requirements**

DEP will report to DEC each quarter on the following completed and planned public participation activities as part of the CSO Quarterly Report:

- List of LTCP meetings conducted, number of attendees for each and agenda topics discussed;
- List and discussion of education and outreach activities performed for the general public and target audiences (including number of attendees and amount of materials distributed);
- List and discussion of any planned activities not conducted; and
- Summary of comments received during meetings and outreach activities.

## **IX. Plan Maintenance**

Based on the results of the evaluation and DEC requirements this public participation plan will be updated and refined annually, as necessary, to address new and emerging issues and to add or delete activities based on effectiveness and resources.