



Croton Watershed Clean Water Coalition



CATCH UP WITH CWCWC

OUR MIDSUMMER UPDATES

CWCWC asked James Bacon Esq. (Putnam/Westchester Counties) and Lyn Pyle (New York City) to update our Membership about issues facing residents throughout the Watershed and in New York—the destination for most of our excellent-quality Croton water.

CWCWC considers the most potentially harmful recent development with regard to the Croton Watershed as the DEP's announcement of their plan to move forward with the building of a 1.5 billion dollar chemical treatment/filtration plant in Van Cortlandt Park in the Bronx. There are many other current and imminent threats to the Watershed's integrity, however. CWCWC is addressing them as well.

Read on to learn more about our common struggle to preserve quality of life for this and future generations!

UPDATE for PUTNAM and WESTCHESTER COUNTIES

The following is an update on CWCWC's environmental litigation involvements in the Watershed.

CURRENT CWCWC LITIGATION

By James Bryan Bacon, Esq.
Attorney for CWCWC

TERRAVEST CORPORATE PARK

Middle Branch Watershed
CWCWC v. Southeast Planning Board (SEQA)

Westchester County Supreme Court,
Environmental Claims Part
Judge Francis J. Nicolai

Status: Fully submitted
Decision expected in approximately 4 weeks

SEE PAGE 2

UPDATE for NEW YORK CITY

The following is an update on community impacts of the siting of the proposed chemical treatment/filtration plant in Van Cortlandt Park in the Bronx.

CLEAN WATER, DIRTY DEAL

By Lyn Pyle
Bronx-Based Correspondent for CWCWC

If you do not live near the SE corner of Van Cortlandt Park, you may not have visualized what the City's plan to build a filtration plant under our park actually means.

The New York City Department of Environmental "Protection"

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AUGUST
2004

OUR
WATER
OUR
FUTURE



DURA

CONTINUED FROM COVER

Impacted Resources: Federal, State, Local Wetlands, Middle Branch Reservoir

This case involves the Planning Board's failure to comply with SEQRA (State Environmental Quality Review Act) by its use of outdated and defective stormwater methodology. Tierney did not weigh in with Amicus brief. In CWCWC's Reply, we argued that the Town ignored its obligations set forth in the Town's comprehensive and Croton Plans that call for protection of the reservoirs. In response to the Applicant's argument that DEP (NYC Department of Environmental Protection) and DEC (NYS Department of Environmental Conservation) approved the project, CWCWC argued that DEP was employing a double standard requiring tougher stormwater standards for projects in the Cat/Del as compared with the Croton

For example, the DEP submitted extensive comments on Belleayre citing DEC's 2001 stormwater manual as a basis for requiring the project to comply with strict stormwater management methodology. However, in the Terravest project, DEP was content to accept the outdated and defunct guidelines from DEC's 1993 manual without any objection. This issue is now before the court and a decision is expected within the next 6 weeks.

Terravest application for DEC sewer and stormwater SPDES permits

Despite strong opposition by Jim Tierney, CWCWC and Riverkeeper, the DEC granted Terravest a SPDES (State Pollutant Discharge Elimination System) stormwater permit. DEP also ignored the comments of Mr. Tierney,

CWCWC and Riverkeeper and issued a SPPP (Stormwater Pollution Prevention Program) approval that the Applicant is attempting to use in the Supreme Court proceeding to justify the project.



The Applicant continues to seek various local approvals and succeeded in

obtaining a local wetlands permit. The Applicant also is currently seeking a 20,000-sq/ft addition to the T-9 area to expand the footprint of its warehouse.

**MEADOWS AT DEAN'S CORNERS
104-unit subdivision
East Branch River**

CWCWC v. Southeast Planning Board (SEQRA)

Status: Appellate brief in progress

Impacted Resource: Holly Stream/East Branch River/Muscoot headwaters

CWCWC is proceeding with its appeal that must be perfected by July 23, 2004. The issues are similar to Terravest and concern the lead agency's obligations pursuant to SEQRA, the TMDL (Total Maximum Daily Load) program and issues concerning improper delegation of SEQRA authority. Riverkeeper and CRSE are also involved in the appeal. We have agreed to print a single appendix and submit separate memorandums of law.

Like Terravest, Meadows has also received DEP and DEC approval. Certain local permit issues remain to be granted.

Visit our web site: www.newyorkwater.org

Please send articles for submission to:
CWCWC
Wendy Appleton
9 Old Corner Road
Bedford, NY 10506
(914) 234-6470

2004 deadlines for materials are: 5/1, 7/1, 9/1 and 11/1

Artwork and layout by Enrique Dura 914-232-4333

Additionally, in April 2004, CRSE (Concerned Residents of Southeast) commenced a proceeding against the Board for its final approval of the Meadows project due to the project's roads exceeding the Town Code's requirements. CRSE's attorney, William Maker, is confident that there are strong grounds to annul the final approval of the project due to these violations.

Should either the appeal or CRSE's Article 78 proceeding be successful, then the Meadows project would be subject to the Town's new 4 acre requirement and the density of the project would be reduced from 104 to a maximum of 77. When calculating Southeast's new resource protection plans this number may be further reduced.

CRSE's lawsuit will probably be concluded before the appellate determination. The appellate determination will likely occur within 2-3 months following oral argument in September or October.

CROTON WATER TREATMENT PLANT

CWCWC, et al v. DEP (CEQR and SEQRA)

Status: FSEIS accepted, SEQRA Findings expected within days

Impacted resource: All reservoirs

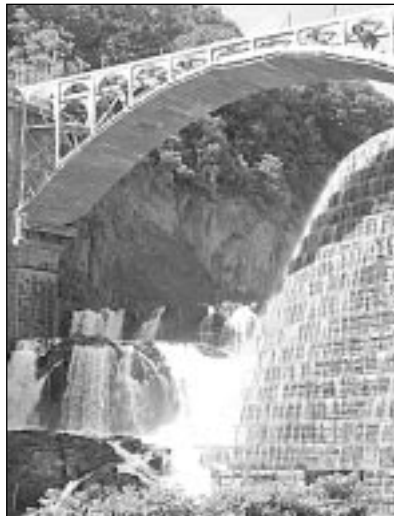
CWCWC is prepared to challenge DEP's determination based upon the record developed by CWCWC in its comments on the project's Scope, DSEIS (Draft Supplemental Environmental Impact Statement) and FSEIS (Final Supplemental Environmental Impact Statement). Our analysis indicates DEP failed to comply with SEQRA and CEQR (City Environmental Quality Review) during the project's environmental review in certain critical respects. CWCWC is completing work on a petition and temporary restraining order for the purpose of stopping this project and forcing DEP to conduct a proper environmental review taking into account all aspects of the project's impacts pursuant to SEQRA.

In addition to CWCWC, the Friends of Van

Cortlandt Park and a coalition of environmental justice advocates will also challenge the project. However, these groups will likely wait until the MOU (Memorandum of Understanding) has been finalized by the Senate, Assembly, Governor and City Council before challenging the project.

RELATED LITIGATION

WCWC Board member Matthew Bennett succeeded in obtaining a TRO (Temporary Restraining Order) against a neighboring developer who began clearing the property while the final subdivision approval was in litigation. The litigation involves a series of developments that the Town and Planning Board have facilitated without proper SEQRA reviews.



PROPOSED PROJECTS

The Eagle River development in the Town of Somers continues to pose severe environmental impacts especially to the Muscoot Reservoir. At the next public hearing of July 14, 2004, CWCWC will present its latest engineering findings along with Hudsonia's critique of the DEIS (Draft Environmental Impact Statement).

A project known as Patterson Crossing is nearing the public review phase in the Towns of Kent and Patterson. CWCWC and PCCPOS (Putnam County Coalition for the Preservation of Open Space) are closely monitoring this development.

CWCWC has submitted scoping comments on a combined golf course/conference center known as Orchard Hill in the Town of North Salem. A DEIS will be prepared for this project. In addition to CWCWC, DEP and other citizen groups have expressed grave concerns over this project's impacts to the Holly Stream and Muscoot Reservoir.

Other major projects in the watershed include the Gateway/Fairways project in Carmel, Rt. 22 expansion and Campus at Fields Corners.

Earlier DEP project in VanCortlandt Park



Before



After (Many years later)

CONTINUED FROM COVER

(the DEP) wants to blast a hole 9 acres square and 80 feet deep into the bedrock of Van Cortlandt Park.

Think of 80 feet as equivalent to an 8-story building blasted into the ground, and 9 acres is a square the length of 2 football fields on each side, or a total of 8 football fields.

The City's EIS says, every two minutes for two years, a truck loaded with dirt and rock will leave the park and drive along a city street to the expressway. Blasting and construction will go on from 8 am until 4 pm 7 days a week for those two years. Residents fear the impact of this dust and exhaust on the health of a community with already one of the highest rates of asthma in the country. And concern runs high about the rats that will move out of the park and into our homes and stores, the increased traffic, and the constant noise of blasting equal to the elevated subway passing.

According to the EIS (Environmental Impact Statement) this construction "will have no significant impact on the character" of our neighborhood. But we know a thriving, low income neighborhood of working people – 43% Latino, 36% Black, 20% South Asian and other ethnic backgrounds – will suffer not only the health impacts described above, but will experience "flight" in our few blocks like the exodus of the 70's when the Bronx was abandoned and burning. Anyone who can afford to move will move, and a community we have struggled to maintain for 30 years will no longer be a community.

When construction is finished, the DEP promises they will restore the park to a condition "better than ever", and they compare their plans for an active industrial facility under Van Cortlandt Park to the passive City facilities no one now notices under Central Park. Here it is important to understand the difference between active and passive facilities. The valve chambers under Central Park are passive and buried 180 feet underground. No one goes in or out except

occasionally to make a repair. In Van Cortlandt Park, active operation of a filtration plant will require at least eight trucks a day going into the park bringing chemicals, and out of the park carrying residue sludge. An above ground chemical-fill building will store all the chemicals, and a 16-foot high 300-foot long "decorative" wall containing vents for the plant will stretch across the park. In a few inches of dirt on top of the building's 9-acre roof, no trees will grow, and we worry that the study does not mention the post-911 security necessary to guard the City's water supply. Will there also be barbed wire and police cars in our park?

For those who live in other parts of New York City and love a city park, the nightmare described above is something you don't want for your neighbors, and you don't want for yourself. If the City is allowed to build this active industrial facility under Van Cortlandt Park, a precedent will be set, and all New York City's "cheap" park land will be at risk of similar "development".

Most of the people fighting construction of the plant in Van Cortlandt Park agree with CWCWC that there are better and cheaper alternatives to the proposed Water Treatment Plant, and with far less environmental impact. But the City has refused to seriously consider these and protection of the Croton watershed, and at this point in time, for the sake of our neighborhood and parks citywide, we must move the plant out of Van Cortlandt Park.

The City's plan can still be stopped! Governor Pataki, Speaker of the NY State Assembly, Sheldon Silver, or Speaker of the New York City Council, Gifford Miller, can refuse to sign the Memorandum of Understanding that sets the \$200,000,000 price tag for alienation of Van Cortlandt Park. The City Council can vote no on this MOU. And we are bringing a lawsuit charging bias in the presentation of alternatives in the DEP's EIS. If you are, or someone you know is an urban planner willing to testify on the inadequacy or bias of a section of the EIS, please contact the editors of this newsletter.

CWCWC Announces Our Newly Re-Designed and Updated Website!

Check it out at:

www.newyorkwater.org

Our New Site Features:

- Current Articles on the "Fight for the Croton"
- Up-to-the Minute Coverage of Hot Topics
- Commentary on Focus Issues
- Current Meetings Updates
- Beautiful Seasonal Photographs of the Watershed
- Newly Detailed Maps

And MORE!

CROTON WATER IS HIGH QUALITY!

DEP's \$1.5 Billion Chemical Treatment/Filtration Plant for the Croton is not Justified!

Cryptosporidium (number of oocysts) and *Giardia* (number of cysts) results for NYC Watersheds from the beginning of May, 2004 through July 12, 2004.

	Croton	Delaware	Catskill
Crypto	5	6	7
Giardia	18	41	24

Cryptosporidium is a dangerous pathogen that caused over 100 deaths and over 400,000 illnesses in Milwaukee, in 1993. That disaster was the trigger for many of the subsequent EPA regulations on protection of drinking water. However, all three unfiltered NYC watersheds have lower levels of *Cryptosporidium* than most filtered systems in the US. The Croton is on a level with the Catskill and Delaware watersheds regarding *Cryptosporidium* and has much lower counts of *Giardia*. In other respects, also, Croton water is high quality. Any problems with Croton water could be remedied at far less cost and with far less environmental impact than the proposed \$1.5 billion chemical treatment/filtration plant.

PLEASE JOIN US

Through regional action, CWCWC is dedicated to providing alternatives to chemical treatment/filtration, and to protecting and improving the naturally-filtered, high-quality waters of the Croton Watershed for today and for generations to come.
Send in your membership and receive membership mailings, a subscription to CWCWC's newsletter, "Our Water, Our Future" and (at your request) a free copy of the multi-award-winning video, "The Fight for the Croton Watershed."
Most importantly, your membership will help you get involved with the preservation of one of our most precious resources, our water.

Croton Watershed Clean Water Coalition Membership Application

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

- Group/Coalition Membership (Voting) \$25/year [For Groups/Assoc. only]
- Individual Membership (Non-Voting) \$10/year [For Individuals only]

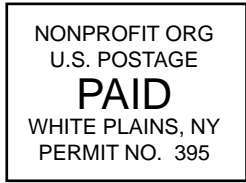
Is this a Renewal or a New Membership? (Circle one)

Make checks payable to Croton Watershed Clean Water Coalition and mail, along with your membership form, to:

FAY MUIR, Secretary, CWCWC, INC., 9 OLD CORNER ROAD, BEDFORD, NY 10506



Our Water, Our Future
Croton Watershed Clean
Water Coalition
9 Old Corner Road
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